



# City of Petersburg Virginia

www.petersburgva.gov

## October 4, 2022 - City Council Work Session

October 4, 2022  
Petersburg Public Library  
201 West Washington Street  
Petersburg, VA 23803  
5:00 PM

## City Council

Samuel Parham, Mayor – Ward 3  
Annette Smith-Lee, Vice-Mayor – Ward 6  
Treska Wilson-Smith, Councilor – Ward 1  
Darrin Hill, Councilor – Ward 2  
Charlie Cuthbert, Councilor – Ward 4  
W. Howard Myers, Councilor – Ward 5  
Arnold Westbrook, Jr., Councilor – Ward 7

## City Manager

John March Altman, Jr.

- 
1. **Roll Call**
  2. **Prayer**
  3. **Pledge of Allegiance**
  4. **Determination of the Presence of a Quorum**
  5. **Approval of Consent Agenda (to include minutes of previous meetings):**
    - a. **Minutes: (Page 3)**
      - September 20, 2022 - Closed Session
      - September 20, 2022 - Regular City Council Meeting
    - b. A request to schedule a Public Hearing and adoption of an Ordinance previously approved by the City Council approving the rezoning of the properties located at 235, 243, and 247 Hinton Street from R-3 to PUD for October 18, 2022. **(Page 24)**
    - c. A request to schedule a public hearing and consideration of an ordinance approving an amendment to the permitted uses previously approved with the current zoning B-2 (c), General Commercial District with conditions, for the properties located at 601, 607, 613, 619, and 627 Old Wagner Road for October 18, 2022. **(Page 27)**
    - d. A request to schedule a Public Hearing and consideration of an Ordinance approving a petition to rezone the property located at 970 Winfield Road from R-5, Multiple Dwelling District to M-1, Light Industrial District to permit the use for a solar electric generating facility for October 18, 2022. **(Page 70)**
    - e. A request to schedule a public hearing and consideration of an ordinance approving a petition for a Special Use Permit to operate a solar electric generating facility on the property located at 970 Winfield Road for October 18, 2022, Regular City Council Meeting. **(Page 109)**
    - f. A request to schedule a public hearing and consideration of an ordinance approving a petition for a Special Use Permit to establish and operate a stand-alone vehicle repair shop at the property located at 944 E. Wythe Street for October 18, 2022, Regular City Council Meeting. **(Page 148)**
    - g. A request to schedule a public hearing and consideration of an Ordinance approving a petition for a Special Use Permit to construct a telecommunication monopole tower on the property located at 2320 W. Washington Street for October 18, 2022, Regular City Council Meeting. **(Page 181)**

- h. Request to hold a public hearing on October 18, 2022, for the consideration of an Ordinance authorizing the City Manager to enter into a purchase agreement between the City of Petersburg and Bollingbrook Properties, LLC, and Worther G and Karen K. Becker, III. **(Page 220)**

**6. Special Reports**

- a. Proclamation for National Hispanic Heritage Month **(Page 234)**
- b. Presentation by the Anti-Poverty Commission. **(Page 237)**
- c. Presentation from Commissioner of Revenue

**7. Monthly Reports**

**8. Finance and Budget Report**

**9. Capital Projects Update**

**10. Utilities**

**11. Streets**

**12. Facilities**

**13. Economic Development**

- a. A presentation from Local Initiative Support Corporation (LISC) Virginia and Longwood Small Business Development Center (SBDC) **(Page 283)**

**14. City Manager's Agenda**

**15. Business or reports from the Clerk**

**16. Business or reports from the City Attorney**

**17. Public Comments**

**18. Adjournment**





# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** October 4, 2022

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** March Altman, Jr., City Manager

**FROM:** Nykesha Lucas

**RE:** **Minutes: (Page 3)**  
**-September 20, 2022 - Closed Session**  
**-September 20, 2022 - Regular City Council Meeting**

---

**PURPOSE:** City Council Meeting Minutes for review from previous meetings.

**REASON:** For review and approval under the consent agenda.

**RECOMMENDATION:** Recommend approving minutes of previous council meetings with the consent agenda.

**BACKGROUND:** See the attached information.

**COST TO CITY:** N/A

**BUDGETED ITEM:** N/A

**REVENUE TO CITY:** N/A

**CITY COUNCIL HEARING DATE:** 10/4/2022

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:** N/A

**AFFECTED AGENCIES:** N/A

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:** N/A

**REQUIRED CHANGES TO WORK PROGRAMS:** N/A

**ATTACHMENTS:**

1. September 20, 2022 Closed Session Meeting Minutes
2. September 20, 2022 - regular city council minutes

The Closed Session Meeting of the Petersburg City Council was held on Tuesday, September 20, 2022, at the Petersburg Public Library. Mayor Parham called the Closed Session Meeting to order at 3:30p.m.

**1. ROLL CALL:**

Present:

Council Member Charles H. Cuthbert, Jr  
Council Member Treska Wilson-Smith  
Council Member W. Howard Myers  
Council Member Darrin Hill  
Council Member Arnold Westbrook, Jr.  
Vice Mayor Annette Smith-Lee  
Mayor Samuel Parham

Absent: None

Present from City Administration:

Clerk of Council Nykesha D. Lucas  
City Manager John March Altman, Jr.  
City Attorney Anthony Williams

**2. CLOSED SESSION:**

- a. The purpose of this meeting is to convene in the closed session pursuant to §2.2-3711(A)(7) and (8) of the Code of Virginia for the purpose of receiving legal advice and status update from the City Attorney and legal matters requiring the provision of legal advice by the City Attorney, specifically including but not limited to Petersburg Circuit Court Case No.: CL15-780; the requirements of §58.1-3510.4 of the Code of Virginia relating to short term rental properties; under §2.2-3711(A)(3) of the Code of Virginia for the purpose of discussion or consideration of the acquisition and disposition of real property for a public purpose or the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, specifically including but not limited to the acquisition of real property; and §2.2-3711(A)(29) of the Code of Virginia for the purpose of discussion regarding the subject matter of public contract involving the expenditure of funds and terms or scope of such contract where discussion in an open session would adversely affect the bargaining or negotiating strategy of the public body, specifically including but not limited to the discussion of the award and terms of a public contract.

Council Member Hill made a motion that the City Council go into closed session for the purposes noted. Council Member Myers seconded the motion. There was no discussion on the motion, which was approved on roll call vote.

On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, Smith-Lee, and Parham

City Council entered closed session at 3:35 p.m.

**CERTIFICATION:**

Mr. Williams stated, "The Mayor would entertain a motion to conclude the closed session called this evening to certify in accordance with §2.2-3712 that the Code of Virginia that to the best of each members knowledge that only public business matter lawfully exempted from the opening meeting requirements were discussed and that only such public business matters were identified in the motion by which the closed

\*Audio available upon request.

meeting was convened, heard, discussed, or considered. If any member believes that there was a departure from the foregoing requirements should so state prior to the vote indicating the substance for departure that in his or her judgment has taken place. This requires a roll call vote Mr. Mayor.”

Council Member Hill made a motion to return City Council into open session and certify the purposes of the closed session. Vice Mayor Smith-Lee seconded the motion. There was no discussion on the motion.

The motion was approved on roll call vote.

On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, Smith-Lee, and Parham

**22-R-58      A RESOLUTION CERTIFYING, AS REQUIRED BY THE CODE OF VIRGINIA, SECTION 2.2-3712, THAT TO THE BEST OF EACH MEMBER’S KNOWLEDGE, ONLY PUBLIC BUSINESS MATTERS LAWFULLY EXEMPTED FROM OPEN MEETING REQUIREMENTS OF VIRGINIA LAW WERE DISCUSSED IN THE CLOSED SESSION, AND ONLY SUCH PUBLIC BUSINESS MATTERS AS WERE IDENTIFIED IN THE MOTION CONVENING THE CLOSED SESSION WERE HEARD, DISCUSSED, OR CONSIDERED.**

City Council returned to open session at 5:30p.m.

**3.      ADJOURNMENT:**

City Council adjourned at 5:30 p.m.

\_\_\_\_\_  
Clerk of City Council

APPROVED:

\_\_\_\_\_  
Mayor

The regular meeting of the Petersburg City Council was held on Tuesday, September 20, 2022, at the Petersburg Public Library. Mayor Parham called the meeting to order at 5:00 p.m.

**1. ROLL CALL:**

Present:

Council Member Charles Cuthbert, Jr.  
Council Member Treska Wilson-Smith  
Council Member W. Howard Myers  
Council Member Arnold Westbrook, Jr.  
Council Member Darrin Hill  
Vice Mayor Annette Smith-Lee  
Mayor Samuel Parham

Absent: None

Present from City Council Administration:

Clerk of Council Nykesha D. Lucas  
City Manager John March Altman, Jr.  
City Attorney Anthony C. Williams

**2. PRAYER:**

Mayor Parham stated, "Council Member Hill will lead us in our opening prayer."

Council Member Hill led the council meeting in prayer.

**3. PLEDGE OF ALLEGIANCE:**

Mayor Parham led council and the citizens in the pledge of allegiance.

**4. DETERMINATION OF THE PRESENCE OF A QUORUM:**

A quorum was determined with the presence of all city council members.

**5. PROCLAMATIONS/RECOGNITIONS/PRESENTATION OF CEREMONIAL PROCLAMATIONS:**

\*There are no items for this portion of the agenda.

**6. RESPONSES TO PREVIOUS PUBLIC INFORMATION PERIOD:**

Mayor Parham stated, "That is posted under Council Communicates."

**7. APPROVAL OF CONSENT AGENDA (to include minutes of previous meeting/s)**

a. Minutes:

-September 6, 2022 – Closed Session Minutes  
-September 6, 2022 – Work Session Minutes

b. A request to schedule a public hearing and consideration of an ordinance approving an amendment to the PUD and Proffers for the Harrison Creek Properties for November 15, 2022.

\*Audio available upon request.

- c. A request to schedule a public hearing on the amended and appropriation of FY22-23 All Funs Budget on October 18, 2022.

Council Member Myers made a motion to approve the consent agenda. Council Member Westbrook seconded the motion. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, Smith-Lee, and Parham

## **8. OFFICIAL PUBLIC HEARINGS:**

- a. A public hearing and consideration of an ordinance approving the rezoning of the property located at 2655 Stedman Drive from Single-Family Residence District (R-1A) to Mixed Use District – 3 (MXD-3).

**BACKGROUND:** The City received a request from the Economic Development Authority to rezone the property from R-1A to MXD-3. The property located at 2655 Stedman Drive is deeded to the Economic Development Authority. The property is currently vacant and totals 21.94 acres.

Rezoning the property to MXD-3 will permit a mixture of uses focused on commercial and industrial uses. The rezoning will potentially make the property more marketable, as the permitted uses of the property will increase. Adjacent land uses are commercial and residential.

The Planning Commission adopted a resolution during the July 7, 2022, meeting to recommend approval of the proposed rezoning from R-1A – Single Family Residence District to MXD-3 Mixed Use District.

**RECOMMENDATION:** Staff recommends approval of the attached ordinance.

Reginald Tabor, Director of Planning and Community Development, gave a briefing on the request to rezone the property located at 2655 Stedman Drive.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public hearing.

There was discussion among City Council Members.

Council Member Hill made a motion to approve the ordinance approving the rezoning of the property located at 2655 Stedman Drive from Single-Family Residence District (R-1A) to Mixed Use District – 3 (MXD-3). Council Member Cuthbert seconded the motion. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, Smith-Lee, and Parham

## **22-ORD- AN ORDINANCE APPROVING THE REZONING OF THE PROPERTY AT 2655 STEDMAN DRIVE, FROM SINGLE-FAMILY RESIDENCE DISTRICT (R-1A) TO MIXED USE DISTRICT-3 (MXD-3).**

- b. A public hearing and consideration of an ordinance approving the rezoning of the properties located at 513 Old Wagner Road, and 525 Old Wagner Road, from A-Agricultural District to R-1A Single-Family Residential District.

**BACKGROUND:** The City received inquiries regarding the vacant property located at 525 Old Wagner Road. The Zoning Administrator identified the zoning of the property and discovered that the property dimensions do not meet the minimum requirements for the zoning designation. The property is currently zoned

\*Audio available upon request.

A-Agricultural District, and the minimum acreage is eight acres, however the property is 1.55 acres. Also, the adjacent property located at 513 Old Wagner Road is zoned A-Agricultural District, and the property is .87 acres.

Rezoning the properties to R-1A – Single Family Residence District will bring them into compliance with the City’s Zoning Ordinance and permit the property owners to use the properties for a single-family residential use. Adjacent land uses are commercial and residential.

The Planning Commission adopted a resolution during the July 7, 2022, meeting to recommend approval of the proposed rezoning from A-Agricultural District to R-1A-Single Family Residence District.

**RECOMMENDATION:** Staff recommends approval of the attached ordinance.

Reginald Tabor, Director of Planning and Community Development, gave a briefing on the request for rezoning of the properties located at 513 Old Wagner Road, and 525 Old Wagner Road, from A-Agricultural District to R-1A Single-Family Residential District.

Mayor Parham opened the floor for public comments.

Chioma Adaku Griffin, 1200 Harrison Creek Blvd, stated, “I am a member of the Planning Commission, and I would like to make a recommendation that you uphold the vote from the Planning Commission for the Berkeley Manor Project.”

Seeing no further hands, Mayor Parham closed the public hearing.

There was discussion among City Council and staff.

Council Member Hill made a motion to approve the ordinance for rezoning of the properties located at 513 Old Wagner Road, and 525 Old Wagner Road, from A-Agricultural District to R-1A Single-Family Residential District. Council Member Myers seconded the motion. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Wilson- Smith, Myers, Westbrook, Hill, Smith-Lee, and Parham

**22-ORD- AN ORDINANCE APPROVING THE REZONING OF THE PROPERTY AT 513 AND 525 OLD WAGNER ROAD FROM A TO R-1A.**

**9. PUBLIC INFORMATION PERIOD:** A public information period, limited in time to 30 minutes, shall be part of an Order of Business at each regular council meeting. Each speaker shall be a resident or business owner of the City and shall be limited to three minutes. No speaker will be permitted to speak on any item scheduled for consideration on the regular docket of the meeting at which the speaker is to speak. The order of speakers, limited by the 30-minute time period, shall be determined as follows:

- a) First, in chronological order of the notice, persons who have notified the Clerk no later than 12:00 noon of the day of the meeting,
- b) Second, in chronological order of their sign up, persons who have signed a sign-up sheet placed by the Clerk in the rear of the meeting room prior to the meeting.

Barbara Rudolph, 1675 Mt. Vernon Street, stated, “There seems to be a serious problem with the real estate tax bills that are due September 30<sup>th</sup>, which is the first quarter of the fiscal year 2023. These bills, instead of using the new property value assessment you approved earlier this year, the current bills are based on the fiscal year 2022 which are now obsolete assessments. So, the correct tax rate, which you passed earlier this year of \$1.27 per hundred, that is used. But it is applied to last year’s real estate assessed value.

\*Audio available upon request.

The assessor told us in February that 65% of the properties in the city increased in value. Most of these have been potentially under billed. The annual impact of such an error can come close to \$2.5 million dollars, which is how much real property revenue has increased in the fiscal year 2023 budget. It is easier to illustrate this using real life examples, which is why I brought the spreadsheets that Mrs. Lucas has passed out to you. These include your residences along with a few other properties that are associated with several of you. I will tell you what to look for here. For each address, the first row shows last year tax assessments. So, that would have been your prior year bill. The second row, which is highlighted in orange, shows the FY2023 approved assessments. Those are the ones that came in the mail on a card to all property owners. With the tax amount calculated, using the new rate of \$1.27 per hundred. Those are the correct amounts on the orange highlighted row. The third row shows what was actually billed on September 30<sup>th</sup> bills for your properties. The annual and the quarterly tax amounts are incorrectly calculated from last year's assessments. That is how I backed in to figuring out the numbers on the bills were actually calculated. I do not see any evidence that the city is dealing with this. Now these taxes are due in ten days. You have potentially a large number of property owners in the city that are either under billed, which would be those who had increases, and those who property value decreased could have been over billed and the city would have to pay them back. I do not think the property owners will be pleased in either one of those scenarios. Also, there is a huge administrative effort involved in contacting everyone's mortgage holder. I own my home, so I get taxed directly by the city. I noticed this when I received my bill. That is how this came to light to me as I looked at the amount of the bill and it was \$488. Well, I knew that my real estate tax was supposed to be over \$500. So, that is what made me stop and look at it. I sampled two dozen properties and that includes the ones that you have on the spread sheet. It is time consuming, but I could look at more. But I hope that you all will do something about this and particularly be forthcoming. Because this is not the kind of thing that can be covered up. It is a big mess and some people have already paid their bills. They have either paid too much or too little. The only ones that are not affected is peoples who assessments did not change. So, if somebody assessment from 2022 to 2023 remain the same, the new lower tax rate would have been applied and they paid the correct amount. But that's the minority of property owners in Petersburg. Looking back, I do not know the exact process. I know the assessed values are generated by the assessor. According to the website, the finance office of collections is responsible for printing and mailing these bills. Somewhere along the line, control failed spectacular and it never should have gone out like this. I know that I have exceeded my time but thank you for the extra time. I felt like the only way to share this and maybe get your attention was to use the actual amount. So, thank you."

Richard A. Stewart, 129 Rolfe Street, stated, "I have been getting calls from people living on the island and outside the island and so forth about the river development. They say, 'Mr. Stewart, did you know that Third Street is going to be closed down. Did you know Fifth Street is going to be closed down?' I said no. I said I did not know anything about the city passing some ordinance shutting everything down. Some 1,000 to 2,500 cars would be involved in an activity down there. The folks tend to park on the westside of Sapony Street in the Pocahontas and on the grass of Joseph Jenkin Robinson. With that kind of activity with the Civic Center, Union Station, Crocker Spot, how can an area down there operate if you shut down those areas. Even when most times it rains, Lieutenant Run and Joseph Jenkin Robinson floods. I don't understand what is going on. Has the area been sold? I do not know what is happening, but the people keep calling me and asking me about it. Look out for Pocahontas. Another thing, I would like to thank the police department for patrolling Pocahontas. Because we feel like we are a safer community to see them ride through there. With all this crime going on in Petersburg, we thank the police and fire department and everything that comes over Pocahontas to look out for us. We are very thankful. And I thank you for allowing me a view minutes."

Michael Storrs, 1705 Johnson Road, stated, "The reason that I come before you are regards to speed deterrence on Varina Avenue. Now the residents on Varina Avenue ask for your reconsideration of speed deterrence of two blocks on Varina. That is between Bermuda and Johnson Road. Residence on this corridor witness how often people speed. Unlike the area on Bermuda Street to South Boulevard, with several stops' signs and parked cars to slow speed, these two blocks are wide with no stop signs or parked cars to slow traffic. We have done our due diligence to get petitions and submitting them to the Department of Public Works

\*Audio available upon request.

(DPW). DPW paid to have surveys conducted to determine if there was a need of safety precautions. The process has taken more than two years. And we still have no resolution. Within the last three months, the same two block corridor had two accidents due to driver error. One driver hitting a telephone pole at Varina and Bermuda. Thirty feet from the same intersection another driver was issued two citations. One for speeding and the other for distracted driving. The driver hit a nine-ton parked trailer and pushed it nine feet into a backyard. That trailer could have very well been pedestrians or children since that stretch of the road has no sidewalks. The city spends hundreds of tax dollars to conduct a study to point out the obvious. That not all drivers speed but that the residents witness enough daily that do so. They do it at speeds that are far more than 25mph. Since the city has not provided a solution other than to post children at play signs, that are ignored. The residents purchased \$245 of speed bumps as a temporary resolution. During the time that month they were in place, we saw a reduction in speed and traffic. On September 16<sup>th</sup>, DPW removed them in response to complaints about them obstructing or impeding traffic. We went to DPW and spoke with one of their general managers, Reggie Lantz. He said that our concerns were presented to the city council during one of the city meetings, but that our council person from 3<sup>rd</sup> Ward, Mayor Parham, rejected the proposal. During that time, the temporary speed bumps were removed, and we witnessed the return of speeders, increased traffic and one damaged vehicle when a car did not stop at a stop sign. Again, I ask that you consider our concerns about speeding on this road for those of us that live along that two-block area. Our personal and property safety should be more of a concern to you than as your apparent concern for will of those who speed through that corridor that do not live there. They complain and get results and we complain and get nothing. Thank you.

Gary Talley, 2323 Fort Rice Street, stated, "I am going back to when I asked these questions before. Since they are still not being answered in Council Communicates, I am going to forget the fire department. I can get that information from Marlow or the state fire marshal office. I was going to read what I wrote before. Regarding the Ramada Inn, there was a lot of discussion and no answers. What happened to the many code violations that Mr. Harris piled up over the many years. Did it just disappear? Did he pay those? I remember discussing in the council meeting criminal charges being filed. What ever happened to that discussion. The discussion online says that we paid him over \$500,000 more than he paid us for that building. Now there has got to be a good reason, we just don't know what it is. Last Wednesday in this very room, four of you all said that you support transparency in government. Tell us what really happened and the story behind the Ramada Inn. We know that it is coming down and we are all thrilled, finally. But what is the whole story behind it. Tells us, please."

Mr. Williams stated, "Just to avoid any conspiracy theory or anything like that regarding the Ramada. There is an order that is publicly available with the court that describes the disposition of the case. That addresses every single one of the issues that Mr. Talley is asking about. And so, I suggest that if he really wants a copy of that order, I do not mind providing it if council does not object."

Mayor Parham stated, "Thank you."

Chioma Adaku Griffin, 1200 Harrison Creek Road, stated, "I was coming to ask that the council uphold the Berkely Manor project where there was business development to be made. And that was my statement."

#### **10. BUSINESS OR REPORTS FROM THE MAYOR OR OTHER MEMBERS OF CITY COUNCIL:**

Council Member Cuthbert stated, "I have been looking forward to this moment. I want to offer a tribute to the late former mayor Florence Farley. She and I saw eye to eye on some things and some things we did not. But I always knew where she stood. And that is to her great credit. Also, she understood the importance of preserving Petersburg history. And this may be difficult to believe among those who were not present back in the 1970s, when our historic zoning came into play and our first historic zones were declared. Without Dr. Farley leadership we would not have the local historic districts that we have. I was there and there were four to

\*Audio available upon request.



three votes. And if it were not for Dr. Farley, we would not have our local historic districts and our city would have lost a great deal of what makes it unique. The third point as part of my tribute to Dr. Farley, she was not afraid to rethink solutions in light of changed circumstances. She recognized that the ward system has outlived its purpose. And should be discarded in favor of at-large elections. I agree with her. Now, let me go to the second item. I want to thank the preservation planner, Ms. Sangregorio, for taking the initiative to mail out these cards to every property owner within our local historic districts. Given the property owner notice that they need a Certificate of Appropriateness before they make changes to the exterior of their property if they are in a local historic district. We are hoping that this will forestall appropriate changes and resulting some hard feelings among our citizens. The third item is that I want to give you an update on the death of our friend, Willie Noise. You may remember in June of 2021; he was murdered in a city park. And his death was the immediate driving force behind council action to adopt a gun ordinance. The perpetrator was tried and found guilty of murder and in August was sentenced to life in prison. Now there is no happy outcome here. We have only losers. Among the losers is city council, because we have lost one of our many people who appeared before us frequently and was interested in his own way for the future success of Petersburg. The last thing that I want to talk about is a threat of regionalism of our pharmaceutical cluster. I want to read to you an email that was sent on July 10, 2020, to the heads of local government in the Virginia Gateway Region (VGR). It says, 'VGR is working closely with Jeff Gallagher, PHLOW and other state partners to ensure that our region is prepared for the opportunities that will arise such as former manufacturing cluster's.' And that is plural. Last week or the week before we saw that regionalism playing out in a front-page article on last Sunday Progress Index. It was headlined, 'Civica Plans \$27.8 Million Dollar Testing Lab in Chesterfield.' So, there is competition afoot and we need to recognize that. We are not just the chosen one. We are going to have to earn it. So, if we want more pharmaceutical growth in Petersburg, we are going to have to be aggressive, visionary, and plan for it. This is a shot across our bow. Civica plans \$27.8 million dollar testing lab in Chesterfield. Mr. Mayor, thank you."

Council Member Wilson-Smith stated, "I would like to invite you all to our next Citizen Academy, which will be October 15<sup>th</sup> in this room. There appears to be a lot of discussion from the citizens about where to go vote. Since we have had our redistricting done, some people are confused about where to vote and what place can they go to have it addressed. It will be from 4pm to 6pm. All are welcome and please share with everyone else. I would also like to take the time to thank two city employees, Ms. Janell Sinclair, and Tamara Brown. For the work that they did in helping to coordinate the last health event that we had. We have embarked to make sure that the employees of the city are healthy. Hopefully that the insurance that the employee is have will see a decrease because we are doing our best to make sure that they are healthy. But these two young ladies went from department to department to make sure that the employees came out and attended the event. So, I would like to personally thank them and Ms. Joanne Williams for her part in it. And I don't see our HR person, but she also worked hard. So, thank you very much. That is all that I have. Thank you."

Council Member Westbrook stated, "I would like to start our cosigning what Mr. Cuthbert did about Florence Farley. I did it last week and would like to do it again at city council as well as Mr. Wilbert Bland. Many of us have brought flowers and other things from the florist. So, we lost two stellar stars of the community. And I know that it will take a lot to replace them but hopefully that memory would not be lost in the things that they did for the city. Even though the day is closing, I would like to acknowledge that today is National Voting Registration Day. So, please over the next few weeks, please find your voting place as Mrs. Treska said. Register if you have not already. For our people who have unfortunately had incidents with the law, get your rights restored. You be surprised what the process is to get your rights back to vote and become a citizen and having your voice heard. And if nothing else, you do not have to wait until November because it does start this week, September 23<sup>rd</sup>. Get out there and exercise your right to vote at any point over the next few weeks. Third, I would like to move on to one of the things that I base my campaign on, youth. Tri-Cities Elite Tutoring has a lot of events going. Please look them up as they are out helping students. But more importantly it just came to my attention today, at Walnut Hill Elementary School they had a dining with dads. And it was a great event as far as I saw. There were pictures but I think that it said that there were over 100 dads that came out with their children at Walnut Hill. And I hope that this program carries over to other

\*Audio available upon request.

elementary schools as well as the high school and middle school. But I think that if the youth really get behind and see the father in the community is behind them then great things can continue to happen. And that upward trajectory can continue going forward. If you are interested in being a hall monitor, I know that at Pleasants Lane they are looking for hall monitors and lunch monitors. Again, playing your part in volunteering. Also, the schools have been a little over a month in and there has been some complaints that the parents are not coming out to voice their concerns, issues, or success stories. So, let's get involved with your area schools and really let them you see that we are behind them. Delta Omega of Omega Psi Phi is doing an essay contest for the high school students. And I think that without proper publication it does not have the participation that it should be. The deadline is October 21<sup>st</sup>. Please encourage our high school students to really participate with that. Thank you to the doctors in the city. We want to make sure that we get over the stigma of being the unhealthiest city in the state. Finally, I will close out with just two pieces. Delegate Kim Taylor, if you want to talk to her more, she will be at Trapezium next Tuesday the 27<sup>th</sup> from 5:30pm to 7:00pm. So, if you really want to see how things go on at a bigger level to make sure that we are getting our needs satisfied in Petersburg, come out to meet with Delegate Kim Taylor at Trapezium. Fort Lee, this Thursday the 22<sup>nd</sup>, for veterans and people that know veterans, they are having a 'Hire Vets Now' event from 11:30am to 1:00pm. So, if you are a former veteran get over there. And the final thing, I would like to say, God Bless the Queen, because Queen Latifah is still alive."

Council Member Myers stated, "I do not have much to say. I want to say, Mr. Mayor, thank you for all that you do for the City of Petersburg. You know I been in your position and our former Mayor Brian Moore has been in your position. Many times, and often we hear that you are just a ceremonial mayor. But when you think about the progress that we are experiencing at this time it is not about being ceremonial. It is about being a businessman. So, I want to say that we appreciate all that you do here in the City of Petersburg, and it would be inclusive of this particular council to help you move forward. So, I want to say thank you for that. Thank you."

Council Member Hill stated, "I pray that everyone is having a blessed day on today. Just a couple of things. So, we know that we have the bridge that is being worked on I-95. And I noticed that going north where you have to deviate from there is a lot of trash that is there. I know that VDOT is responsible for it but if we can get some of our public works to clean it up because it makes our city look very bad. And then I want to know the timeline of when VDOT is going to be finish the bridge so that it can open back up and we can have traffic going both ways. I thought it was supposed to be November or December or something like that. So, if the city manager or public works can get back with me on that I really appreciate it. Also, on Holly Hill Drive we had put up a sign. I am still getting complaints about speeding. So, I propose that we put a stop sign at the corner of Newport Avenue and on Holly Hill. We talked about it before. I do not think that we need a study. But just take a look at it. Also, I was going to mention about Wilbert Bland, Sr. who passed away who was a dear friend to the community. Many of the people in here has always patronized the Bland's Funeral Establishment and Bland's Florist. They are one in the same type of business. So, we are in prayer and mourning for that local business that has been down on the Avenue for many years. Also, we had a living legend that passed, Marva Hicks. She is an actor and singer, and she is from Petersburg, VA. And a lot of people do not know that. And I had the blessed privilege today. Blair Underwood always comes in town and come to my business. I have been cutting him and his sibling's hair for many years. And he came in today. And he talked about Marva and helping him getting started in acting. I believe that the mayor may have some type of meeting with a member of the family because they are trying to do a memorial. I know that they are doing something in LA and in New York. The last stop is supposed to be here in her hometown which is Petersburg."

Mayor Parham stated, "That is correct. We re planning to do something."

Council Member Hill stated, "We are planning to do something for Marva Hicks. She is Tony Broadway. If you look her up Ebony just did a spread for her. So, we thank all those. I really want to thank our council. We have come a long way and our staff who has helped us over these last few years. I am real concerned about

\*Audio available upon request.

what Ms. Barb Rudolph said about the taxes. When we made a vote to make it one way and it still came back the other way. So, we need to address that and see where the fault lies on that. So, we can get our business in order. But I am pleased with the direction that we are going in and I know that our city manager is coming in during a time when things are moving really fast, and staff has to buckle their boots so that we can get things done. A lot of things are coming to Petersburg, and we do not want to miss out those, especially the great opportunities. We thank all those people that work for the city, and we thank the citizens who live in the city. Thank you, Mr. Mayor."

Vice Mayor Smith-Lee stated, "Joanne, stand up please. Thank you so much for that great newsletter. I have gotten so many calls and I need some extra ones if you have them. Thank you, Joanne. Congratulations to the Petersburg High School Boys Basketball receiving their Letterman Jackets for placing second in the state. That was really awesome. They had it at Petersburg High School. They all got Letterman Jackets and trophies and plaques. A job well done. Thank you, Sheriff Crawford, City of Petersburg, and Petersburg Public Schools, for spread heading the comedy basketball game that was at Petersburg High School gymnasium. It was truly a great event. There were so many kids and parents involved. That is what we need. The parents to be involved with their children. Thank you. Also, thank you VSU for allowing Petersburg High School football team to play on their field. That is a great partnership. I want everyone to know how grateful the President of Virginia State has been to Petersburg Public Schools. Mr. Paul Johnson, you can stand up. And where is Jim Reid. Thank you so much. You have only been on the job three months, and you are a rockstar. Any time I have had to call you and Mr. Reid, you have gotten on it. And the citizens are off my back. And I really appreciate the job that you are doing thank you. Mayor, Howard took what I was going to say. You have done an outstanding job. You have a full-time job and a family. But when we were in the midst of a whole of things you go to meetings after meeting. And you were really our city manager at one time because of the fact that you were going to meetings that the city managers would have gone to. I just want you to know that I don't care about what no one else says or do. Until they walk in your shoes and do the things that you do and have done the things that you have done to have brought us back from \$9 million dollars to now a plus. Your work speaks for you. Thank you for what you have done with keeping us on track. Thank you. That is all I have to say."

Mayor Parham stated, "First, of all I have a few things. I just need some help from the clerk. I know we had a constituent to say something about speed bumps. Do you have a record of any of that coming our way?"

Mrs. Lucas stated, "Not for that. I know we did for stop signs."

Mayor Parham stated, "I know we saw some for stop signs. Mr. City Attorney, I believe council did not have any action on speed bumps anywhere right."

Mr. Williams stated, "That is correct Mr. Mayor."

Mayor Parham stated, "Mr. City Manager, can you check into that to see who on staff is misguiding our constituents. And please follow up so that his neighbors can be clear on council's direction on what is true and untrue. Next thing is, like Councilman Hill said that we were able to present Mr. Wilbert Bland with a proclamation at his funeral. And I thank all of the council members that attended. He was really a mentor to all of us young people growing up here in the City of Petersburg. We wrap our arms around his family and continue to move Bland's Florist forward. And they were also featured in our newsletter. Thank you, Joanne it was right on time. Putting a spotlight on Bland's Florist and how important they are in the community. I also would like to say that council members talk a lot about the things that I do. I cannot pull it off without staff. And one of the most important people who is Joanne Williams. Who is always recognizing high regard amongst the pharmaceutical cluster. Because it was also times when before Mr. Johnson got here in public works that Ms. Joanne Williams was hammering away getting us the details in order to win the 'Build Back Better' regional challenge. And Joanne, Jeff Gallagher says that he is taking you out and that he is going to hold you to it for all the good work that you did to help us get there. Next, that something that has not been spoke on yet, the

\*Audio available upon request.

Reentry Forum. I would like to thank Sheriff Crawford. I mean she threw on an exceptional Reentry Forum. She always represents us to the fullest. Also, as Councilman Hill said that we are working with the Marva Hicks Family in putting together a memorial here that I hope that the City of Petersburg can help sponsor. Marva Hicks is an exceptional daughter of the city. She helped to put us on the map with so many stars and people have come through Petersburg that has made an impact across the world. I would like to address something that Councilman Cuthbert said about the pharma cluster. That lab that they put in Chesterfield; it was hard to compete with Civica being a private company. Chesterfield County said, 'Hey we are going to give you a \$1 million piece of property.' Which highlights something that Councilman Cuthbert and I hammer on all the time. Getting that Poor Creek Water Station up and running will definitely determine the future of manufacturing on that southern end of the city. And in many ways Civica had to put a plant in Chesterfield because of our water capacity problem that we have on that southern end of the city and things of that nature. So, it is imperative that we push along Poor Creek and get that done. I am with Councilman Cuthbert; I don't want to lose anything else due to us not having a site ready for development. And that is what we have to look at from now on ways that we can expand our pharma park and also our industrial park in Councilman Westbrook neck of the woods that is filled up. We have to look at how we can acquire some of those empty parcels that were used for farms and things of that nature and expand the industrial park. Because the businesses are ready to come. And if we do not have the pads ready, we will lose out to our neighbors and that is something that we do not want to happen. Also, the issue that was brought up, and I will let Mr. Altman speak on that later on the plan to address whoever dropped the ball in getting those real estate bills corrected and follow back up with that. Again, thank everybody for coming out tonight and we will continue to move the city forward. And we will move right along to our next item."

**11. ITEMS REMOVED FROM CONSENT AGENDA:**

\*There are no items for this portion of the agenda.

**12. FINANCE AND BUDGET REPORT:**

\*No items for this portion of the agenda.

**13. UNFINISHED BUSINESS:**

\*No items for this portion of the agenda.

**14. NEW BUSINESS:**

- a. Consideration of appointment/s to the Appomattox River Water Authority (ARWA) Board.

**BACKGROUND:** The Appomattox River Water Authority consists of the Cities of Colonial Heights and Petersburg and the Counties of Chesterfield, Dinwiddie, and Prince George. The Authority is responsible for the operation of the Appomattox River Water Treatment plant.

The Authority Board includes one (1) Member and one (1) Alternate Member from each of the political subdivisions. City Council has, as have other as its representatives on the Board and the Director of Public Works as the alternate.

**RECOMMENDATION:** Recommend City Council appoint John M. "March" Altman, Jr., City Manager, as the primary, and Tangelia Innis, Deputy City Manager, as the alternate member to the Appomattox River Water Authority Board.

Council Member Myers made a motion to adopt the resolution appointing John M. "March" Altman, Jr.,

\*Audio available upon request.

City Manager, as the primary, and Tangela Innis, Deputy City Manager, as the alternate member to the Appomattox River Water Authority Board. Council Member Hill seconded the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, Smith-Lee, and Parham

**22-R- A RESOLUTION APPOINTING JOHN M. "MARCH" ALTMAN, JR., CITY MANAGER, TO THE APPOMATTOX RIVER WATER AUTHORITY BOARD AS THE PRIMARY AND TANGELA INNIS AS THE ALTERNATE FOR A TERM ENDING DECEMBER 31, 2022.**

- b. Consideration of appointments to the South Central Wastewater Treatment Authority Board.

**BACKGROUND:** South Central Wastewater Treatment Authority operates the Petersburg Wastewater Plant, which serves the Cities of Colonial Heights and Petersburg along with the Counties of Chesterfield, Dinwiddie, and Prince George.

The Authority Board includes one (1) Member and one (1) Alternate Member from each of the political subdivisions. City Council has, as have other member jurisdiction, traditionally appointed the locality's chief administrative officer as its representative on the Board and Director of Public Works as the alternate.

**RECOMMENDATION:** Recommend City Council appoint John M. "March" Altman, Jr., City Manager, as the primary, and Tangela Innis, Deputy City Manager, as the alternate member to the South Central Wastewater Treatment Authority Board.

Council Member Myers made a motion to adopt the resolution appointing John M. "March" Altman, Jr., City Manager, as the primary, and Tangela Innis, Deputy City Manager, as the alternate member to the South Central Wastewater Treatment Authority Board. Council Member Hill seconded the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, Smith-Lee, and Parham

**22-R- A RESOLUTION APPOINTING JOHN M. "MARCH" ALTMAN, JR. AS THE PRIMARY AND TANGELA INNIS AS THE ALTERNATE WITH A TERM ENDING SEPTEMBER 30, 2024, TO THE SOUTH CENTRAL VIRGINIA WASTEWATER TREATMENT AUTHORITY.**

- c. Consideration of an update to the Title VI Program and Resolution for Petersburg Area Transit's Title VI Program.

**BACKGROUND:** In order to receive federal assistance through the FTA, Petersburg Area Transit (PAT) must comply with the guidelines of Title VI of the Civil Rights ACT of 1964 and carry out the U.S. Department of Transportation ("DOT" or "the Department") Title VI regulations (49 CFR part 21). PAT's Title VI document is intended to integrate programs and activities, based on the considerations expressed in the Department's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient ("LEP") Persons (70 FR 74087, December 14, 2005). PAT will, as a commitment to civil rights, ensure that "No person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.

**RECOMMENDATION:** Recommend City Council adopt the updated Title VI program and attached resolution approving Petersburg Area Transit's updated Title VI Program.

Queenie Byrd and Charles Koonce, Petersburg Area Transit, gave a brief statement on the request.

There was discussion among City Council and staff.

\*Audio available upon request.

Council Member Smith-Lee made a motion adopt the updated Title VI program and attached resolution approving Petersburg Area Transit's updated Title VI Program. Council Member Hill seconded the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Smith-Lee, and Parham

## **22-R- A RESOLUTION ADOPTING THE PETERSBURG AREA TRANSIT TITLE PROGRAM.**

- d. Consideration of appointment to the Brightpoint Community College Board of Directors.

**BACKGROUND:** The Brightpoint Community College Board of Directors consists of 18 members from the participating jurisdictions of the Cities of Colonial Heights, Hopewell, Petersburg, and Richmond and the Counties of Amelia, Charles City, Chesterfield, Dinwiddie, Prince George, Surry, and Sussex. Petersburg is allocated two (2) representatives.

The duties of the board include, but are not limited to, the following: serve as liaison agency between the State Board and the governing bodies of local political subdivisions, promote the development of a program of community college education of high quality under the administration and supervision of the State Board of Community College, solicit community participation in program planning and development, and review and approve the regular annual and biennium budgets for the community college. Members of the Board should be acquainted with the need for technical education.

**RECOMMENDATION:** Recommend that City Council make an appointment to Brightpoint Community College Board of Directors and also to approve resolution with appointee name.

Vice Mayor Smith-Lee made a motion to appoint Bernard Lundy. Council Member Hill seconded the motion. There was discussion on the motion.

Council Member Wilson-Smith made a motion to table action until they have their applications in front of them. Council Member Westbrook seconded the motion. There was discussion on the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Westbrook, and Parham; Voting No: Myers, Smith-Lee, and Hill

- e. Consideration of an appointment to the Petersburg Redevelopment and Housing Authority.

**BACKGROUND:** The Petersburg Redevelopment and Housing Authority (PRHA) Board consists of seven (7) members who are appointed by City Council to serve four-year, staggered terms. PRHA was created to study blighted area within the City and to recommend programs for the improvement of such areas; to provide quality housing for low-income families at rents within their ability to pay; and to serve as the duly designated agent of the city to contract with federal agencies for financial assistance in order to undertake urban redevelopment and low-rent housing programs approved by City Council.

**RECOMMENDATION:** Recommend City Council make an appointment to the Petersburg Redevelopment and Housing Authority and approve the resolution with new member name.

Council Member Cuthbert made a motion to table action until after the council's retreat to develop a vision of Petersburg Redevelopment and Housing Authority. Council Member Wilson-Smith seconded the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, Smith-Lee, and Parham; Voting No: Myers, Hill, and Smith-Lee

- f. Consideration of an appointment to the Riverside Regional Jail Authority.

\*Audio available upon request.

**BACKGROUND:** The Riverside Regional Jail Authority is a seven-member regional jail that oversees the regional jail facility serving the localities of Counties of Charles City, Chesterfield, Prince George and Surry and the Cities of Colonial Heights, Hopewell, and Petersburg. The city has one member and one alternate to serve on the board.

**RECOMMENDATION:** Recommend City Council appoint John March Altman, Jr, City Manager, as the primary member and Police Chief, Travis Christian, as the alternate to the Riverside Regional Jail Authority.

Council Member Myers made a motion to adopt the resolution appointing John March Altman, Jr, City Manager, as the primary member and Police Chief, Travis Christian, as the alternate to the Riverside Regional Jail Authority. Council Member Hill seconded the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, Smith-Lee, and Parham

**22-R- A RESOLUTION APPOINTING JOHN MARCH ALTMAN, JR, CITY MANAGER, AS PRIMARY AND POLICE CHIEF TRAVIS CHRISTIAN, AS ALTERNATE MEMBER WITH A TERM ENDING JUNE 30, 2026, TO THE RIVERSIDE REGIONAL JAIL AUTHORITY BOARD.**

- g. Consideration of an appointment to the Crater Youth Care Commission Board.

**BACKGROUND:** The Crater Youth Care Commission was officially formed in 1972 to supervise and operate a Secure Detention Facility and admitted the first residents on September 16, 1975. The Commission consists of the chief administrative official from each jurisdiction.

The Crater Youth Care Commission's mission is to: provide services and learning experiences within a psychologically and physically safe and secure environment, which will encourage youth to achieve lifestyles that are consistent with their personal needs, value systems, the laws of the Commonwealth of Virginia and in the interest of public safety.

**RECOMMENDATION:** Recommend that City Council appoint John March Altman, Jr. to the Crater Youth Care Commission Board.

Council Member Myers made a motion to adopt the resolution appointing John March Altman, Jr. to the Crater Youth Care Commission Board. Council Member Hill seconded the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, Smith-Lee, and Parham

**22-R- A RESOLUTION APPOINTING JOHN MARCH ALTMAN, JR. TO THE CRATER YOUTH CARE COMMISSION BOARD WITH A TERM EXPIRING MARCH 31, 2024.**

- h. Consideration of the appropriation of the FY23 Gun Violence Intervention Program Grant for \$190,000 -2<sup>nd</sup> Reading

**BACKGROUND:** The City of Petersburg has been awarded a grant from the Commonwealth of Virginia Department of Criminal Justice Services for the FY23 Gun Violence Intervention Grant in the amount of \$190,000.

**RECOMMENDATION:** Recommend that Council approve the appropriation ordinance of the FY23 Gun Violence Intervention Grant for \$190,000.

\*Audio available upon request.

Council Member Myers made a motion to approve the appropriation ordinance of the FY23 Gun Violence Intervention Grant for \$190,000. Council Member Hill seconded the motion. There was discussion on the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, Smith-Lee, and Parham

**22-ORD- AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2022, AND ENDING JUNE 30, 2023, FOR THE GRANTS FUND IN THE AMOUNT OF \$190,000.**

Chief Christian stated, "Just for clarification, we are talking about two different grants. The first one we have to get approval from council before doing any expenditures would be the \$300,000 grant. So, the \$190,000 is a separate grant. I just want to make sure that we have clarification on that."

Council Member Westbrook stated, "With 'G,' I know that we did that jointly for the city manager, Mr. Altman to be. They also needed one more appointed. Can we at least let people know that applications are being accepted through the proper procedure. This is with the Crater Youth Care Commission."

Mr. Altman stated, "Mr. Westbrook is correct. The city has two representatives on the Crater Youth Care Commission Board. The last citizen term was up, and he declined to be reappointed. So, there is another position that council would need to appoint."

Mayor Parham stated, "We are taking applicants for that and whenever that time that we get an application available then we will look at appointing that resident of Petersburg."

- i. Consideration of the appropriation of the Virginia Commission for the Arts Grant in the amount of \$4,500 – 2<sup>nd</sup> Reading

**BACKGROUND:** The Petersburg Area Art League fosters and conducts many forms of art programs in the city. The Petersburg Symphony Orchestra has provided musical performances to not only the City of Petersburg, but to the greater Southside Virginia region for over 35 years.

**RECOMMENDATION:** Recommend City Council approve the appropriation ordinance.

Council Member Myers made a motion to approve the appropriation ordinance. Vice Mayor Smith-Lee seconded the motion.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public comments.

There was discussion among council and staff.

The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, Smith-Lee, and Parham

**22-ORD- AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2022, AND ENDING JUNE 30, 2023, FOR THE GRANTS FUND IN THE AMOUNT OF \$4,500.**

- j. Consideration of the appropriation of the Virginia Commission for the Arts Grant in the amount of \$4,500 – 2<sup>nd</sup> Reading

\*Audio available upon request.



**BACKGROUND:** The City of Petersburg Department of Police has been awarded a grant from the Commonwealth of Virginia Department of Criminal Justice Services for the FY23 SRO School Resource Office Grant in the amount of \$211,428.

**RECOMMENDATION:** Recommend that Council approve the appropriation ordinance of the FY23 SRO School Resource Officer Grant for \$211,428.

Council Member Myers made a motion to approve the appropriation ordinance. Vice Mayor Smith-Lee seconded the motion.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public comments.

There was discussion among council and staff.

The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, Smith-Lee, and Parham

**22-ORD- AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2022, AND ENDING JUNE 30, 2023, FOR THE GRANTS FUND IN THE AMOUNT OF \$211,428.**

- k. Consideration of the appropriation of the unused FY22 funds provided by the Virginia Department of Emergency Management – Emergency Management Performance Grant to the FY23 Budget in the amount \$1,717.27– 2<sup>nd</sup> Reading

**BACKGROUND:** The City of Petersburg received annual funding from the Virginia Department of Emergency Management. These funds are used to enhance the Emergency Management and Operations during preparedness, response, mitigation, and recovery during significant incidents.

**RECOMMENDATION:** Recommend that Council approve the carryover of the Virginia Department of Emergency Management EMPG in the amount of \$1,717.27 and the appropriation ordinance.

Council Member Myers made a motion to approve the appropriation ordinance. Council Member Hill seconded the motion.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public comments.

The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, Smith-Lee, and Parham

**22-ORD- AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2022, AND ENDING JUNE 30, 2023, FOR THE GRANTS FUND IN THE AMOUNT OF \$1,717.27.**

- l. Consideration of the appropriation of the unused FY22 funds provided by the Virginia Department of Fire Programs – Aid to Locality to the FY23 budget in the amount of \$96,735.31–

\*Audio available upon request.

2<sup>nd</sup> Reading

**BACKGROUND:** The City of Petersburg receives the Fire Programs Fund – Aid to Localities grant annually. These funds are currently programmed for purchasing new Personal Protective Equipment, Fire Hose, and other related equipment.

**RECOMMENDATION:** Recommend that City Council appropriate the appropriation ordinance and carryover amount of \$96,735.31 from the Virginia Department of Fire Programs – Aid to Localities (ATL) from the FY2022 to the FY2023 budget of the Department of Fire, Rescue and Emergency Services.

Council Member Myers made a motion to approve the appropriation ordinance. Vice Mayor Smith-Lee seconded the motion.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public comments.

The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, Smith-Lee, and Parham

**22-ORD- AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2022, AND ENDING JUNE 30, 2023, FOR THE GRANTS FUND IN THE AMOUNT OF \$96,735.31.**

- m. Consideration of the appropriation of the unused Virginia Department of Emergency Management – Radiological Emergency Preparedness Grant to the FY23 Budget in the amount of \$3,949.98 – 2<sup>nd</sup> Reading

**BACKGROUND:** The City of Petersburg received annual funding from the Virginia Department of Emergency Management. These funds are used to enhance the planning and response to radiological emergencies.

**RECOMMENDATION:** Recommend that City Council approve the appropriation ordinance and carryover of the Virginia Department of Emergency Management REP for \$3,949.98

Council Member Hill made a motion to approve the appropriation ordinance. Council Member Myers seconded the motion.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public comments.

The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, Smith-Lee, and Parham

**22-ORD- AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2022, AND ENDING JUNE 30, 2023, FOR THE GRANTS FUND IN THE AMOUNT OF \$3,949.98.**

- n. Consideration of an ordinance authorizing the City Manager to execute the Extension of Lease Agreement between P & P Associates, LLC and the City of Petersburg for the property located

\*Audio available upon request.

at 3811 Corporate Road Petersburg, VA.

**BACKGROUND:** The city approved the initial lease between the City and P & P Associates, LLC for the purposes of leasing the property located at 3811 Corporate Road, approximately 4,000 sq. feet. The initial term of the agreement ended May 31, 2022. This space is currently utilized by the Human Resources Department.

**RECOMMENDATION:** City Council review and approve the attached ordinance.

Mayor Parham stated, "This item has been tabled. So, I will entertain a motion to table."

Council Member Hill made a motion to table action regarding leasing the property located at 3811 Corporate Road. Council Member Myers seconded the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, Smith-Lee, and Parham

- o. Consideration of a resolution approving the development agreement for development of 2902 Nivram Road, Petersburg, Virginia between the City of Petersburg and Terry and Cynthia Bradshaw.

**BACKGROUND:** The City of Petersburg City Council approved 22-ORD-40 an ordinance authorizing the city manager to execute documents related to the sale of city -owned property located at 2902 Nivram Road on July 19, 2022. Following a due diligence period, a Development Agreement has been drafted that requires, in consideration of the City's conveyance of the Property to Terry and Cynthia Bradshaw shall perform the redevelopment or the property strictly in compliance with the project summary documents and in accordance with the terms in the agreement. The project summary documents describe the intentions of The Purchaser with regard to the purchase and renovation of the property.

The Development Agreement shall be referenced as set forth fully in the deed of conveyance of the property from the city to Terry and Cynthia Bradshaw and shall include provisions for the reverter described in the development agreement.

**RECOMMENDATION:** Staff recommends the approval of the resolution.

Council Member Myers made a motion to approve the resolution. Vice Mayor Smith-Lee seconded the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, Smith-Lee, and Parham

**22-R- A RESOLUTION APPROVING THE DEVELOPMENT AGREEMENT FOR DEVELOPMENT OF 2902 NIVRAM ROAD PETERSBURG, VIRGINIA BETWEEN THE CITY OF PETERSBURG AND TERRY AND CYNTHIA BRADSHAW.**

- p. Consideration of an additional \$500,000 in grant funding for the Fleets Branch Stream Restoration Project – National Fish and Wildlife Foundation (NFWF)/VA Department of Environmental Quality (DEQ) Grant Funding.

**BACKGROUND:** As a Phase II Municipal Separate Storm Sewer System (MS4), the City of Petersburg is required to reduce stormwater pollutants discharged to receiving waters, known as the Total Maximum Daily Load (TMDL), as part of its MS4 General Permit administered by DEQ. These TMDL reduction requirements set by DEQ include a 40% pollutant reduction by June 30, 2023. Virginia State University, also an MS4 entity, began a stream restoration project for Fleets Branch; however, VSU did not need the additional pollutant removal credits to complete the project. On the other hand, the City of Petersburg is in significant

\*Audio available upon request.

need of pollutant removal opportunities due to the land cover, topography, and ownership of challenges specific to the city. Therefore, a collaborative effort was envisioned between the two MS4's where the stream restoration project could be completed with combined financial assistance from both the NFWF Grant, and Petersburg funding and the resulting pollutant removal credits would be given to Petersburg to help meet its TMDL goals.

NFWF recognized this collaborative effort, and in turn awarded \$500,000 towards the \$1,450,000 estimated cost of design and construction with the City to initially provide the remaining \$950,000 in matching funds. Subsequently, the FY2023 Capital Budget consisted of another \$833,000 awarded DEQ Stormwater Local Assistance Fund (SLAF) grant of \$497,523 and American Rescue Plan Act (APRA) funding in the amount of \$335,477. The remaining \$117,000 will be paid from the Stormwater Management Division funds.

**RECOMMENDATION:** Request council adopt the attached appropriation ordinance in the total amount of \$500,000 for the NFWF Grant. It should be noted that additional funds in the amount of \$833,000 have already been approved and appropriated as a part of the FY2023 Capital Budget. Those additional funds consist of American Rescue Plan Act (ARPA) funds in the amount of \$335,477 and a DEQ SLAF Grant in the amount of \$497,523.

Vice Mayor Smith-Lee made a motion to approve the appropriation ordinance in the total amount of \$500,000 for the NFWF Grant. It should be noted that additional funds in the amount of \$833,000 have already been approved and appropriated as a part of the FY2023 Capital Budget. Those additional funds consist of American Rescue Plan Act (ARPA) funds in the amount of \$335,477 and a DEQ SLAF Grant in the amount of \$497,523. Council Member Hill seconded the motion.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public comments.

There was discussion among council and staff. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, Smith-Lee, and Parham

**22-ORD- AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2022, AND ENDING JUNE 30, 2023, IN THE GRANTS FUND IN THE AMOUNT OF \$500,000 FOR "FLEETS BRANCH STREAM RESTORATION PROJECT."**

**15. CITY MANAGER'S AGENDA:**

**a. City Manager's Report**

Mr. Altman stated, "As was brought up by one of the citizens this evening, we have experienced some issues with the real estate bill. And we fully recognize that, and we have had a couple of meetings over the past week and conversations. We are going to be pulling everyone together to find the who, what, when where and why. At this point, the focus is going to be on what the fix is. Because if we do have issues, what is that fix? Is it supplemental bills? And if we need to provide more time to our residence like an extension then we have to look at that. We will have plenty of time to figure out why this happens, and we will report back to council and the citizens of our solutions for that not to happen in the future. It is a tremendous inconvenience to our citizens to have to experience that and we do apologize for that. But we are working on a solution for everyone. Just wanted to let everyone know that. But we are going to try and make right by them."

Mayor Parham stated, "Thank you. Any other items?"

\*Audio available upon request.

Mr. Altman stated, "No sir. It has been a busy couple of weeks. This is my first full meeting with council, and I do appreciate. As always, we have a lot of good things going on in Petersburg. I fully understand completely the discussion of the competition of the region that Councilman Cuthbert had. And rest assured we are going to do everything in our power that in the future that lab is in Petersburg and not somewhere else. There was a recognition early on in the process of the lack of space not just in Petersburg but in the entire Richmond region. So, it is not surprising that there is a need to build the space. But we need to be in the position to capitalize on that further and look at different locations as the mayor indicated. There is some property out on the western portion of our community, 179 acres that we need to look at and clear up any issues. So, staff will be working hard on that. So, I absolutely want to win those battles. So, thank you."

Mayor Parham stated, "I want to recognize Retired Fire Chief T.C. Hairston. Thank you for your service here for the City of Petersburg."

**16. BUSINESS OR REPORTS FROM THE CLERK:**

\*No items for this portion of the agenda.

**17. BUSINESS OR REPORTS FROM CITY ATTORNEY:**

\*No items for this portion of the agenda.

**18. ADJOURNMENT:**

City Council adjourned at 7:01 p.m.

\_\_\_\_\_  
Clerk of City Council

APPROVED:

\_\_\_\_\_  
Mayor

\*Audio available upon request.



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** October 4, 2022

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** March Altman, Jr., City Manager  
Tangela Innis, Deputy City Manager  
Brian Moore, Director of Economic Development

**FROM:** Reginald Tabor

**RE:** **A request to schedule a Public Hearing and adoption of an Ordinance previously approved by the City Council approving the rezoning of the properties located at 235, 243, and 247 Hinton Street from R-3 to PUD for October 18, 2022. (Page 24)**

**PURPOSE:** To schedule a Public Hearing and consider approval of an Ordinance previously approved by the City Council approving the rezoning of the properties located at 235, 243, and 247 Hinton Street from R-3 to PUD for October 18, 2022.

**REASON:** To comply with applicable procedures and laws regarding the consideration of an Ordinance regarding the rezoning of property.

**RECOMMENDATION:** It is recommended that the City Council schedules a Public Hearing on October 18, 2022 and approves the Ordinance rezoning of the properties located at 235, 243, and 247 Hinton Street from R-3 to PUD.

**BACKGROUND:** The City of Petersburg received a petition from Mr. Dale and Mrs. Linda Pittman to rezone the properties at 235 Hinton, T.P. #010-220027; 243 Hinton Street, T.P.# 010-220028 and 247 Hinton Street, T.P. #010-220029, from R-3, Two-Family Residence District to PUD, Planned Unit Development District. The rezoning is requested to permit a mixed-use development that would include multifamily residential and light intensity commercial uses for the purpose of hosting weddings, and other civil and social gatherings. The rooms would function as an Inn.

During the October 28, 2020 meeting, the Planning Commission voted unanimously to recommend approval of the petition to rezone the property.

The City Council previously approved an Ordinance approving the petition to rezone the property, however an Ordinance document was not attached to the Agenda item.

This is a request to hold a Public Hearing and consider approval of an Ordinance document approving the

rezoning of the properties at 235 Hinton, T.P. #010-220027; 243 Hinton Street, T.P.# 010-220028 and 247 Hinton Street, T.P. #010-220029, from R-3, Two-Family Residence District to PUD, Planned Unit Development District.

**COST TO CITY:** N/A

**BUDGETED ITEM:** N/A

**REVENUE TO CITY:** Revenue from the use of the property.

**CITY COUNCIL HEARING DATE:** 10/18/2022

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:** N/A

**AFFECTED AGENCIES:** Economic Development, Planning and Community Development

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:** 20-ORD-55

**REQUIRED CHANGES TO WORK PROGRAMS:** N/A

**ATTACHMENTS:**

1. 1110\_2020OrdinanceRezoningHintonStfromR3toPUD

## **ORDINANCE**

**AN ORDINANCE APPROVING THE REZONING OF THE PROPERTIES AT 235, 243 AND 247 HINTON STREET FROM R-3 TO PUD**

WHEREAS, the City of Petersburg received a petition to rezone the properties at 235 Hinton Street, tax parcel 010220027, 243 Hinton Street, tax parcel 010220028, and 247 Hinton Street, tax parcel 010220029, from R-3, Two-Family Residence District to PUD, Planned Unit Development District; and

WHEREAS, the rezoning is requested to permit a mixed-use development that would include multifamily residential and light intensity commercial uses for the purpose of hosting events and gatherings, with the rooms serving as an Inn; and

WHEREAS, during the October 28, 2020 meeting, the City of Petersburg Planning Commission unanimously recommended approval of the petition to rezone the property.

NOW THEREFORE BE IT ORDAINED, that the City Council of the City of Petersburg hereby approves the rezoning of the properties located at 235, 243 and 247 Hinton Street from R-3 to PUD.





# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** October 4, 2022

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** March Altman, Jr., City Manager  
Tangela Innis, Deputy City Manager  
Brian Moore, Director of Economic Development

**FROM:** Reginald Tabor

**RE:** A request to schedule a public hearing and consideration of an ordinance approving an amendment to the permitted uses previously approved with the current zoning B-2 (c), General Commercial District with conditions, for the properties located at 601, 607, 613, 619, and 627 Old Wagner Road for October 18, 2022. (Page 27)

---

**PURPOSE:** To schedule a Public Hearing on October 18, 2022 and consider approval of an ordinance regarding an amendment to the permitted uses previously approved with the current zoning B-2 (c), General Commercial District with conditions, for the properties located at 601, 607, 613, 619, and 627 Old Wagner Road.

**REASON:** To comply with applicable procedures and laws regarding the consideration of amendments to Zoning designations.

**RECOMMENDATION:** It is recommended that the City Council schedules a Public Hearing and consideration of an ordinance amending the permitted uses previously approved with the current zoning B-2 (c), General Commercial District with conditions, for the properties located at 601, 607, 613, 619, and 627 Old Wagner Road.

**BACKGROUND:** The City of Petersburg Zoning Ordinance establishes zoning district and permitted uses within each district. The property located at 601 Old Wagner Road, PID: 083010806; 607 Old Wagner Road, PID: 083010807; 613 Old Wagner Road, PID: 083010808; 619 Old Wagner Road, PID: 083010809 and 627 Old Wagner Road, PID: 083010005, is currently zoned General Commercial District with conditions, (B-2(c)).

The City received a petition (Exhibit A) submitted by Dean E. Hawkins, Agent for Zahid Rashad, Manager of Real Simple Healthcare, LLC & Polyclinic Park, to amend the approved list of uses for the properties in Petersburg, VA, listed as conditions. The Petitioner would like to add the following uses to the list of approved uses: Bank, Credit Union, and ATM; Personal service establishments to include Barber Shop and Beauty Salon; Pharmacy; Printing, Publishing and Engraving, and Restaurant (sit down/drive-thru).

The subject property totals approximately 7.3221 acres, 318,950.67 sq. ft. and the City's Comprehensive Plan Future Land Use Plan designates the property as Commercial and Low Density Residential.

In accordance with the requirements of Title 15.2-2204 of the Code of Virginia, as amended, a public hearing was conducted to consider this Zoning Amendment, and the public hearing was advertised, in accordance with all applicable laws.

The Planning Commission voted during the September 1, 2022 meeting to recommend that the City Council deny the proposed amendment to the permitted uses as conditions of the General Commercial District with conditions, B-2(c) for the property located at 601 Old Wagner Road, PID: 083010806; 607 Old Wagner Road, PID: 083010807; 613 Old Wagner Road, PID: 083010808; 619 Old Wagner Road, PID: 083010809 and 627 Old Wagner Road, PID: 083010005, to permit the following uses: Bank, Credit Union, and ATM; Personal service establishments to include Barber Shop and Beauty Salon; Pharmacy; Printing, Publishing and Engraving, and Restaurant (sit down/drive-thru).

**COST TO CITY:**N/A

**BUDGETED ITEM:** N/A

**REVENUE TO CITY:** Revenue from the development and use of the property.

**CITY COUNCIL HEARING DATE:** 10/18/2022

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:** N/A

**AFFECTED AGENCIES:** Economic Development, Planning and Community Development.

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:** 08-Ord-88 adopted 10/28/08

**REQUIRED CHANGES TO WORK PROGRAMS:** N/A

**ATTACHMENTS:**

1. 1004\_2022OrdinanceRezoning601\_627OldWagnerRdFinal
2. 1004\_2022OrdinanceRezoning601\_627OldWagnerRdFinalExhibitA
3. PlanningCommissionStaffReportOldWagnerRd
4. MapsOldWagnerRd
5. 2008Ordinance
6. 2008 and 2010 Documents

**AN ORDINANCE APPROVING AN AMENDMENT TO THE PERMITTED USES AS CONDITIONS OF THE GENERAL COMMERCIAL DISTRICT WITH CONDITIONS, B-2(C) FOR THE PROPERTY LOCATED AT 601 OLD WAGNER ROAD, 607 OLD WAGNER ROAD, 613 OLD WAGNER ROAD, 619 OLD WAGNER ROAD, AND 627 OLD WAGNER ROAD, TO PERMIT THE FOLLOWING USES: BANK, CREDIT UNION, AND ATM; PERSONAL SERVICE ESTABLISHMENTS TO INCLUDE BARBER SHOP AND BEAUTY SALON; PHARMACY; PRINTING, PUBLISHING AND ENGRAVING, AND RESTAURANT (SIT DOWN/DRIVE-THRU).**

WHEREAS, the City of Petersburg Zoning Ordinance establishes zoning district and permitted uses within each district; and

WHEREAS, the property located at 601 Old Wagner Road, PID: 083010806; 607 Old Wagner Road, PID: 083010807; 613 Old Wagner Road, PID: 083010808; 619 Old Wagner Road, PID: 083010809 and 627 Old Wagner Road, PID: 083010005, is currently zoned General Commercial District with conditions, (B-2(c); and

WHEREAS, the City received a petition (**Exhibit A**) submitted by Dean E. Hawkins, Agent for Zahid Rashad, Manager of Real Simple Healthcare, LLC & Polyclinic Park, to amend the approved list of uses for the properties in Petersburg, VA, listed as conditions; and

WHEREAS, the Petitioner would like to add the following uses to the list of approved uses: Bank, Credit Union, and ATM; Personal service establishments to include Barber Shop and Beauty Salon; Pharmacy; Printing, Publishing and Engraving, and Restaurant (sit down/drive-thru); and

WHEREAS, the subject property totals approximately 7.3221 acres, 318,950.67 sq. ft.; and

WHEREAS, the City's Comprehensive Plan Future Land Use Plan designates the property as Commercial and Low Density Residential; and

WHEREAS, in accordance with the requirements of Title 15.2-2204 of the Code of Virginia, as amended, a public hearing was conducted to consider this Zoning Amendments, and the public hearing was advertised, in accordance with all applicable laws; and

WHEREAS, the Planning Commission voted during the September 1, 2022 meeting to recommend that the City Council deny the proposed amendment to the permitted uses as conditions of the General Commercial District with conditions, B-2(c) for the property located at 601 Old Wagner Road, PID: 083010806; 607 Old Wagner Road, PID: 083010807; 613 Old Wagner Road, PID: 083010808; 619 Old Wagner Road, PID: 083010809 and 627 Old Wagner Road, PID: 083010005, to permit the following uses: Bank, Credit Union, and ATM; Personal service establishments to include Barber Shop and Beauty Salon; Pharmacy; Printing, Publishing and Engraving, and Restaurant (sit down/drive-thru).

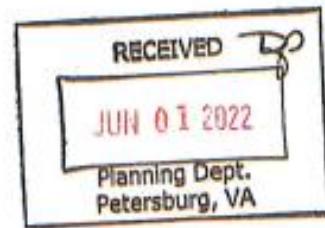
NOW THEREFORE BE IT RESOLVED that the City Council of the City of Petersburg concurs with the Planning Commission recommendation and does hereby deny the proposed amendment to the permitted uses as conditions of the General Commercial District with conditions, B-2(c) for the property

located at 601 Old Wagner Road, PID: 083010806; 607 Old Wagner Road, PID: 083010807; 613 Old Wagner Road, PID: 083010808; 619 Old Wagner Road, PID: 083010809 and 627 Old Wagner Road, PID: 083010005, to permit the following uses: Bank, Credit Union, and ATM; Personal service establishments to include Barber Shop and Beauty Salon; Pharmacy; Printing, Publishing and Engraving, and Restaurant (sit down/drive-thru).

Exhibit A



Dean E. Hawkins  
Landscape Architects & Land Development Planners



31 May 2022

Ms. Sandra Robinson  
Planning Department  
City of Petersburg  
135 N. Union Street  
Petersburg, VA 23803

RE: Amendment to Case No.: 08-ORD-88  
#601, #607, #613, #619 & #627 Old Wagner Road

Dear Ms. Robinson:

This letter is sent to be attached to and to become a part of the application submitted to amend the prior case cited above. Specifically, the current request is to amend the previously approved list of site uses as per the proffers submitted by the land owner dated September 16, 2008, a copy of which was attached to the ordinance adopted by the City of Petersburg City Council on October 28, 2008.

In the prior ordinance and with the attached proffers, the owner limited the allowable site uses to:

- Churches;
- Business offices and professional offices;
- Medical offices;
- Child/family care centers;
- School such as, but not limited to, nursery, training, nursing, etc., and;
- Studio for artist, photographer and musicians which include teaching of art, music dancing and other artistic instructions

In consideration of the current market, the ever evolving business climate and area development trends, the owner would like to amend the previously approved site use list to add the following:

- Bank, Credit union and ATM;
- Personal services, including Barber shop and Beauty salon;
- Pharmacy;
- Printing, publishing, and engraving, and;
- Restaurant (sit-down and drive-thru)

Please allow this letter to be attached to and made a part of the current application for the re-approval of previous and approval of the new site uses. Please contact me with any questions or comments.

Yours truly,

*Dean E. Hawkins L.A.*  
Dean E. Hawkins, L.A.



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. DEAN E. HAWKINS, AGENT FOR  
REH. ZAHID RASHID, MGR. OF REH. SIMPLE HEALTHCARE, LLC & POLYCLINIC PARK, LLC  
do hereby petition to rezone the following described properties  
from zoning district B-2(C) to zoning district B-2(c) to  
permit AMENDMENT TO CASE NO. 08-ORD-88 TO PERMIT  
ADDITIONAL SITE USES OVER THOSE PREVIOUSLY SPECIFIED

2. Legal Description: (Use attachment if necessary) - Identify proposed Use

SEE PLAT ATTACHED, RECORDED IN P.B. 5, PG. 38

3. Tax Parcel Identification Number(s):

Map	Block	Lot
<u>083010806</u>	<u>(#601 OLD WAGNER RD.)</u>	
<u>083010807</u>	<u>(#607 OLD WAGNER RD.)</u>	
<u>083010808</u>	<u>(#613 OLD WAGNER RD.)</u>	
<u>083010809</u>	<u>(#619 OLD WAGNER RD.)</u>	
<u>083010005</u>	<u>(#627 OLD WAGNER RD.)</u>	

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

601, 607, 613, 619 & 627  
OLD WAGNER ROAD

5. Approximate Area: 318,950.67 sq. ft. 7.3221 acres

6. Public Street Frontage 449.70' ON OLD WAGNER RD. & 268.57' ON N. NORMANDY DR. &  
738.18' ON WAGNER RD.

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

SEE ATTACHED

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

TO OUR KNOWLEDGE, NONE EXIST. THERE ARE A SET OF  
"EASEMENTS AND RESTRICTIVE COVENANTS" PERTAINING TO THE  
PROPERTY, A COPY OF WHICH IS ATTACHED.



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).

THIS REQUEST, IF APPROVED, WILL PERMIT AN EXPANSION OF USES ON SITE IN ADDITION TO THOSE PREVIOUSLY GRANTED IN CASE NO.: 08-ORD-08. THE PRIOR CASE WAS FOR A PRIOR RUD TO GENERAL COMMERCIAL (B-2C) AND THE SAME ZONING CLASSIFICATION WILL BE REQUESTED AGAIN

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).

THIS REQUEST, IF APPROVED, WILL PERMIT ADDITIONAL SITE USES, BUT THEY WILL GENERALLY BE IN KEEPING WITH THOSE PREVIOUSLY APPROVED AND WILL BE IN KEEPING WITH THOSE APPROVED NEARBY (AGRI SUPPLY, ETC.) IN RECENT TIMES. IT IS ANTICIPATED THAT NEW USES MAY INCLUDE BANKS, RESTAURANTS, SERVICE ESTABLISHMENTS, ETC.

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).

THIS REQUEST, IF APPROVED, WILL BENEFIT THE CITY OF PETERSBURG WITH A MORE VARIED MIX OF BUSINESSES TO SERVE THE PUBLIC ON WAGNER ROAD CONNECTING I-95 & U.S. ROUTE 460.

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).

THIS SITE ENJOYS VERY VISIBLE ROAD FRONTAGE ON A HIGHLY TRAVELLED, DIVIDED 4 LANE THROUGHFARE IN WAGNER ROAD. MUCH OF THE ADJACENT ROAD FRONTAGE IN THIS AREA IS CONSTRAINED BY

LIMITED ACCESS DESIGNATION OR FLOODPLAINS, WETLANDS,  
ETC. WHICH PRECLUDE DEVELOPMENT BETWEEN I-95 & US. RT. 960

C. CERTIFICATION:

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

- ☒ (a) Is the owner or lessee or agent specified in writing, for  
☐ (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.

DEAN E. HAWKINS, AGENT  
DEAN E. HAWKINS, L.A.

APPROVED

Signed: Dean E. Hawkins  
Mailing Address: 5741 ELFINWOOD RD.  
CHESTER, VA 23831

\_\_\_\_\_  
City Attorney

Phone Number: (804) 748-0519

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): \_\_\_\_\_





# City of Petersburg

Department of Planning and  
Community Development  
804-733-2308

135 N. Union Street, Room 304  
Petersburg, Virginia 23803  
srobinson@petersburg-va.org

## Memorandum

To: Chairwoman Tammy L. Alexander, and Members of the Planning Commission

From: Reginald Tabor, Director of Planning & Community Development  
Sandra A. Robinson, Zoning Administrator

Date: July 5, 2022

Subject: Case REZ-2022-04  
Old Wagner Road – Dr. Zahid Rashid  
Tax Parcels: See Below

**22-REZ-04:** A petition by Dean E. Hawkins, agent for Zahid Rashad, Manager of Real Simple Healthcare, LLC & Polyclinic Park, to petition for a rezoning amendment of a previously approved list of proposed uses to the existing B-2(c) General Commercial District with conditions, adopted by City Council on October 28, 2008, 08-ORD-88. The owner would like to add to the list of proposed uses the following use: Bank, Credit Union, and ATM; Personal service establishments to include Barber Shop and Beauty Salon; Pharmacy; Printing, Publishing and Engraving, and Restaurant (sit down/drive-thru). Current allowable uses are as follows: Churches; Business and Professional offices; Medical offices; Child/family care centers; Schools such as, but not limited to, nursery, training, etc., and Studios for artist, photographers and musicians which include teaching of art, music, dancing, and other artistic instructions. The proposed locations are addressed as 601, 607, 613, 619 and 627 Old Wagner Road Petersburg, VA., further identified as Tax Parcel 083010806, 083010807, 083010808, 083010809 and 083010005. The subject property is approximately 7.3221 acres and is approximately 318,950.67 sq. ft. The previous approval was granted under case REZ 2008-02. This request was approved unanimously by City Council.

### I. Summary of Case

An application for a zoning amendment to update a listing of additional uses for properties addressed as 601, 607, 613, 619 and 627 Old Wagner Road under the existing zoning designation of properties zoned B-2(c) General Commercial District with conditions. The request is needed for the applicants intended use of encouraging other uses normally allowed under Article 15, B-2, General Commercial District Regulations. The purpose of this district is to provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities, particularly along certain existing major streets where a general mixture of commercial and service activity now exists, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or the nuisance factors of dust, odor and noise associated with manufacturing. The additional uses noted by the applicant are service oriented, such as beauty & barber shop, printing, publishing, and engraving, financial services institutions, such as a bank or credit union with an ATM machine, a pharmacy which will accommodate the existing medical facilities at the office park and possibly a sit down/carry out restaurant. The applicant and his representative state that in consideration of the current market and the evolving changes to the business climate and area development trends, the owner would

like to amend the previously approved uses to add the above-noted uses. If the request is approved, it will allow additional permitted uses. The updated list of uses are uses that are permitted by right in B-2, designated zoning districts and are compatible with the existing approved uses which will compliment those uses. The newly proposed uses are not listed as a use that is prohibited or offensive by reason of odor, fumes, dust, smoke, noise, vibration or other pollution, nor shall any use be permitted which is hazardous by reason of excessive danger of fire or explosion, which may be injurious to any property or persons on or about the Property, and any dust, smoke or other airborne pollutants visible outside of a building shall be considered offensive. Currently, there are no eateries or restaurants in the area or along Wagner Road beyond I-95 North or South. The nearest restaurants/eateries are Sheetz, Wawa, Shell Station, Pizza Hut, Verizon, Subway, Little Caesar's Pizza, Taco Bell, and Arby's along the S Crater Road corridor. Both Sheetz and Wawa also provide for the sale of gasoline. Agri-Supply located at the intersection of N Normandy Dr. and Wagner Road and addressed as 3001 N Normandy Dr., a retail provider of farm equipment, mower parts, tractors, among other things is also located near the subject property and the zoning classification is M-1, Light Industrial District.

## II. Surrounding Conditions

The subject property is zoned B-2 (c), General Commercial District with conditions. Properties located along the north side of Wagner Road are zoned M-1, Light Industrial and M-2, Heavy Industrial District, however, the area is heavily screened by natural vegetation and mature trees. Properties located along the east side of the subject site is A-Agricultural, R-1, Single Family Residence and R-1A, Single-Family Residential. The nearest B-2, General Commercial Zoning Classification is along Wagner Rd and Poplar Dr. and S Crater Road at the intersection of Wagner Road as The Sheetz parcel is part of a PUD, Planned Unit Development District. The businesses in the immediate area are DMV, Social Security Administration, People's Advantage Bank, Countryside Inn & Suites. See attached Maps.

## III. Findings

- A. The 2014 Comprehensive Plan designates the subject property for Commercial usage.
- B. The property is currently zoned under a "B-2 (c)", General Commercial District with conditions classification. Uses are tied to restrictive covenants on the property which lists out the PROHIBITED uses.
- C. The proposed or similar uses are currently being performed on adjacent, larger properties, within two miles of the proposed site, benefiting businesses and the community. There has been several rezoning's over the past 10 years of properties being changed from A, Agricultural to PUD or B-2, classifications to permit apartments and commercial activities in various areas of the City near residential neighborhoods.
- D. There's no evidence shown to prove that the proposed uses at this location will pose a burden to the existing neighborhood or property owners as the existing uses, property owners and businesses have been operating or living in this community for more than 10 years. Most of the current and proposed businesses operate by appointments only or under a 9:00am to 7:00pm time schedule.
- E. The noise, if any is expected to be low, and no change in noise is expected at the property boundaries.
- F. The applicant is proposing to construct, renovate and reuse the property for light intensity businesses which will blend with the neighborhood, and the existing and newly proposed businesses, provide tax dollars to the city in addition to develop new business and employment opportunities to citizens within the local area.
- G. As of the preparation of this report, our office had not received any public input or concerns about the request to include departmental comments any parking related issues.
- H. As Commissioners, you have a basic responsibility to review, and decision the applicants request(s) and can impose conditions that you deem fit on the proposal. These conditions can be regarding uses, hours of operation, landscaping, lighting, and signage to name a few. Please keep in mind that the request is not changing the Zoning Classification/designation but reviewing the proposed "new uses" and if they should be allowed.

## IV. Statement of Law

Article 15, "B-2", General Commercial District Regulations encompass personal service needs, medical, dental, and professional office needs of the district. Appropriate, yet compatible uses are permitted as by right

uses with necessary off-street parking requirements, being met for each use allowed on the premises in recognition of providing off-street parking for smaller establishments. The properties could also be used for more less intense uses such as shopkeepers, small art and yoga studios, craft & hobby/gift shops, tea rooms, cafes, bookstores to name a few. These properties are not included within the request but could be allowable uses.

Article 19, Off-Street Parking Regulations will be dictated according to each specific use and will be addressed during the Development Review Team meeting (DRT) at the time of site plan submittal for any proposed use on the property. In addition, drainage concerns, landscaping, and signage will be addressed to ensure that the neighboring residential areas are protected and not encroached upon adhering to any relevant conditions of the previous rezoning request.

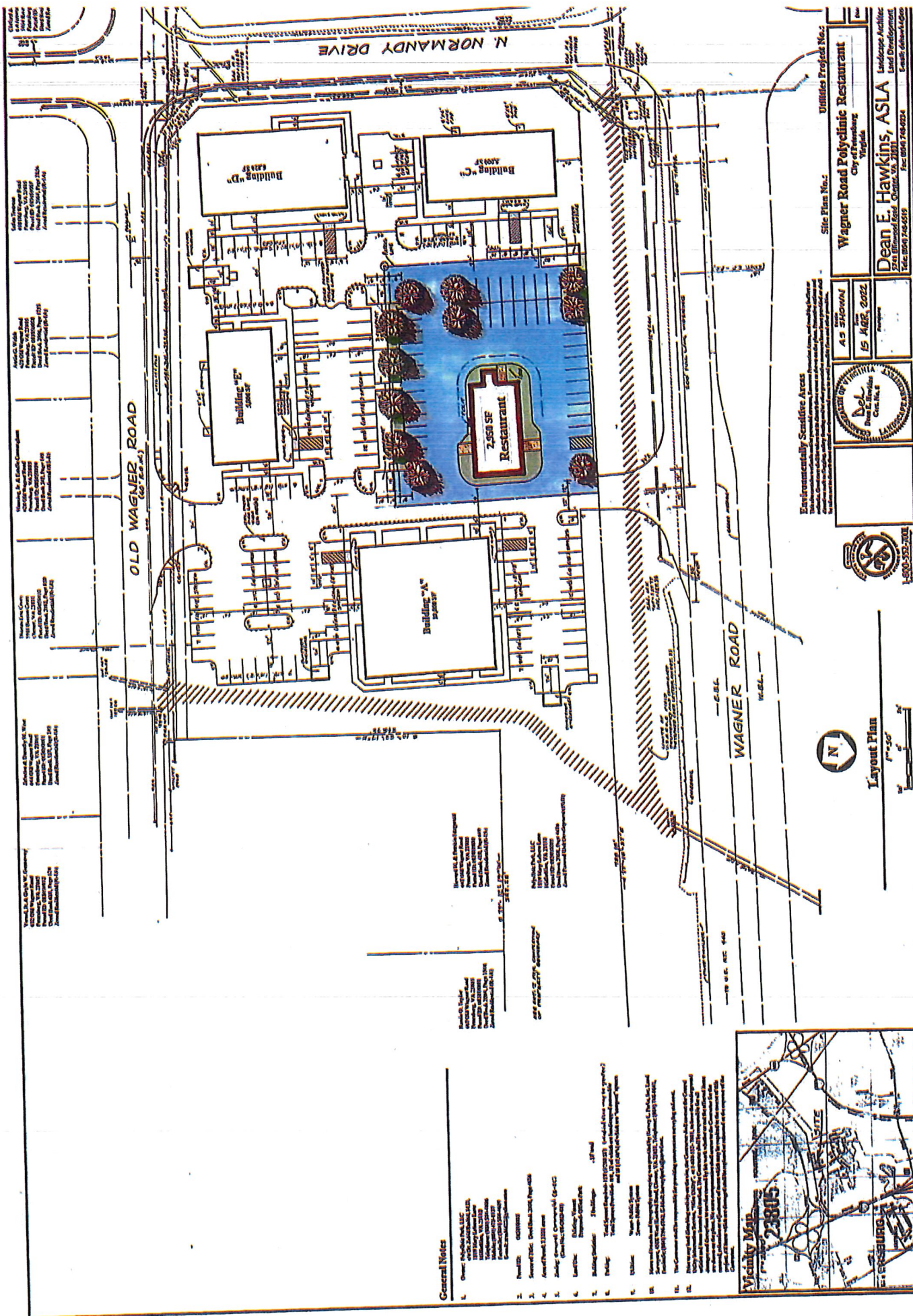
#### V. Recommendation

The Department of Planning & Community Development will withhold its recommendation until after the public hearing and the presentation by the petitioner(s).

#### VI. Exhibits

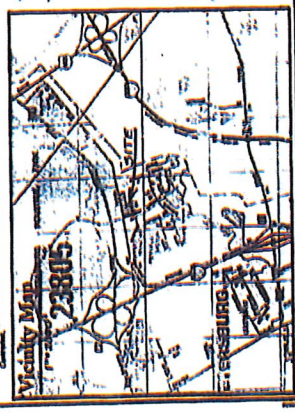
- 1)
- 2) Zoning Map Extract
- 3) Tax Assessor File Record
- 4) Applicants Petition
- 5) Miscellaneous





**General Notes**

1. Owner: 2500 SE Restaurant, LLC  
10000 Wagner Road  
Norfolk, VA 23502  
Phone: (757) 233-2000  
Fax: (757) 233-2001  
Email: info@2500se.com
2. Project: 2500 SE Restaurant, LLC  
10000 Wagner Road  
Norfolk, VA 23502  
Phone: (757) 233-2000  
Fax: (757) 233-2001  
Email: info@2500se.com
3. Survey: 2500 SE Restaurant, LLC  
10000 Wagner Road  
Norfolk, VA 23502  
Phone: (757) 233-2000  
Fax: (757) 233-2001  
Email: info@2500se.com
4. Survey: 2500 SE Restaurant, LLC  
10000 Wagner Road  
Norfolk, VA 23502  
Phone: (757) 233-2000  
Fax: (757) 233-2001  
Email: info@2500se.com
5. Survey: 2500 SE Restaurant, LLC  
10000 Wagner Road  
Norfolk, VA 23502  
Phone: (757) 233-2000  
Fax: (757) 233-2001  
Email: info@2500se.com
6. Survey: 2500 SE Restaurant, LLC  
10000 Wagner Road  
Norfolk, VA 23502  
Phone: (757) 233-2000  
Fax: (757) 233-2001  
Email: info@2500se.com
7. Survey: 2500 SE Restaurant, LLC  
10000 Wagner Road  
Norfolk, VA 23502  
Phone: (757) 233-2000  
Fax: (757) 233-2001  
Email: info@2500se.com
8. Survey: 2500 SE Restaurant, LLC  
10000 Wagner Road  
Norfolk, VA 23502  
Phone: (757) 233-2000  
Fax: (757) 233-2001  
Email: info@2500se.com
9. Survey: 2500 SE Restaurant, LLC  
10000 Wagner Road  
Norfolk, VA 23502  
Phone: (757) 233-2000  
Fax: (757) 233-2001  
Email: info@2500se.com
10. Survey: 2500 SE Restaurant, LLC  
10000 Wagner Road  
Norfolk, VA 23502  
Phone: (757) 233-2000  
Fax: (757) 233-2001  
Email: info@2500se.com



**Environmentally Sensitive Areas**

The project site is located within the City of Norfolk, Virginia. The site is not located within any of the environmentally sensitive areas identified on the map. The project site is located within the City of Norfolk, Virginia. The site is not located within any of the environmentally sensitive areas identified on the map.

**AS SEAL**  
15 APR 2022  
Professional Seal  
State of Virginia  
Professional Seal  
State of Virginia



**Layout Plan**



**Site Plan No. 2**

**Wagner Road Polyclinic Restaurant**  
City of Norfolk, Virginia  
Dean E. Hawkins, ASLA  
Landscape Architect  
2500 SE Restaurant, LLC  
10000 Wagner Road  
Norfolk, VA 23502  
Phone: (757) 233-2000  
Fax: (757) 233-2001  
Email: info@2500se.com



# 601 Old Wagner Road 083-01-0005

P/O 83-1-803

803

N. NORMANDY DR

WAGNER RD

P/O 83-1-5

83-1  
805

804

C&P

OLD WAGNER RD

NORMANDY DR

84-2

83-5

OAKWOOD CIR

OAKWOOD CT

P/O 83-5-1

P/O 83-5-12

P/O 83-5-17

(83-1-1)



# Petersburg, Virginia

Parcel:

083010806

## Summary

Owner Name	REAL SIMPLE HEALTHCARE LLC	National Historic District:	
Owner Mailing Address	1519 MARYLEBANE LN MIDLOTHIAN, VA 23113	Enterprise Zone:	
Property Use	470	Opportunity Zone:	51730811200
State Class:	4 Commercial and Industrial	VA Senate District:	16
Zoning:	PUD	Va House District:	63
Property Address	601 OLD WAGNER RD Petersburg, VA	Congressional District:	4
Legal Acreage:		City Ward:	2
Legal Description:	LOT 3 0.462 ACRES	Polling Place:	Good Shepherd Baptist Church
Subdivision:		Primary Service Area:	
Assessment Neighborhood Name:		Census Tract:	8112
Local Historic District:		Elementary School:	Walnut Hill
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

## Improvements

Finished (Above Grade):	6,820	Shed:	
Basement:		Total Rooms:	
Attached Garage:		Bedrooms:	
Detached Garage:		Full Baths:	
Enclosed Porch:		Half Baths:	
Open Porch:		Foundation:	
Deck/Patio:		Central A/C:	100%

## Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
POLYCLINIC PARK LLC	6/27/2013	\$0	2013/1714
	12/1/2008	\$0	2008/4636

## Assessments

Valuation as of	01/01/2018	01/01/2019	01/01/2020	01/01/2021	01/01/2022
Effective for Billing:	07/01/2018	07/01/2019	07/01/2020	07/01/2021	07/01/2022
Reassessment					
Land Value	\$50,300	\$50,300	\$50,300	\$50,300	\$50,300
Improvement Value	\$1,151,500	\$1,151,500	\$1,151,500	\$1,151,500	\$1,151,500
Total Value	\$1,201,800	\$1,201,800	\$1,201,800	\$1,201,800	\$1,201,800

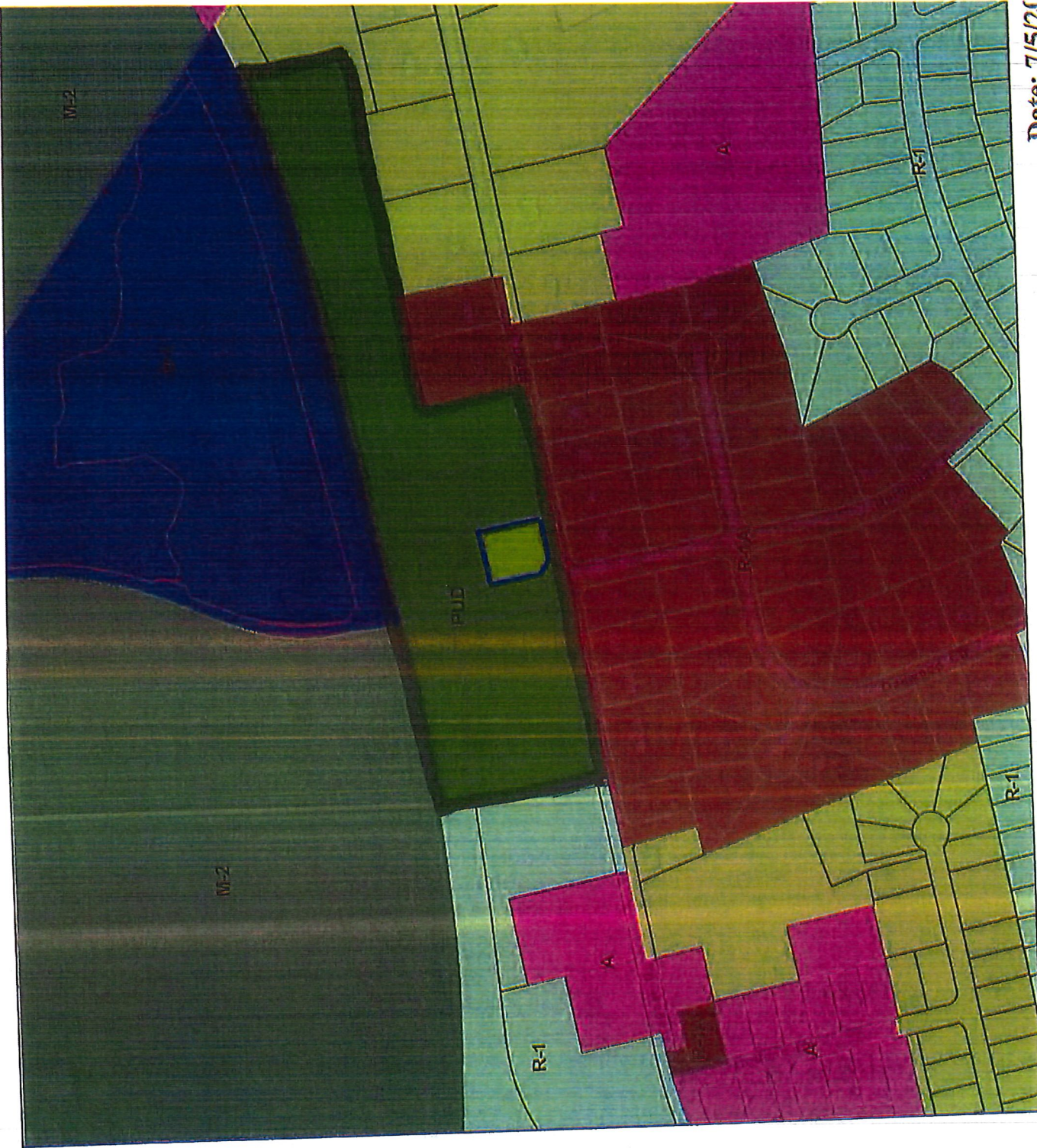
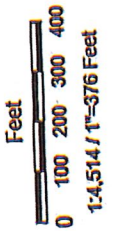
## Property Tax (Coming Soon)



# Petersburg, Virginia

- Legend**
- County Boundaries
  - Parcels
  - Zoning

- |   |     |     |     |     |     |      |      |     |     |      |     |     |     |     |     |    |     |     |
|---|-----|-----|-----|-----|-----|------|------|-----|-----|------|-----|-----|-----|-----|-----|----|-----|-----|
| A | B-1 | B-2 | B-3 | M-1 | M-2 | MXD1 | MXD2 | PUD | R-1 | R-1A | R-2 | R-3 | R-4 | R-5 | R-6 | RB | RMH | RTH |
|---|-----|-----|-----|-----|-----|------|------|-----|-----|------|-----|-----|-----|-----|-----|----|-----|-----|



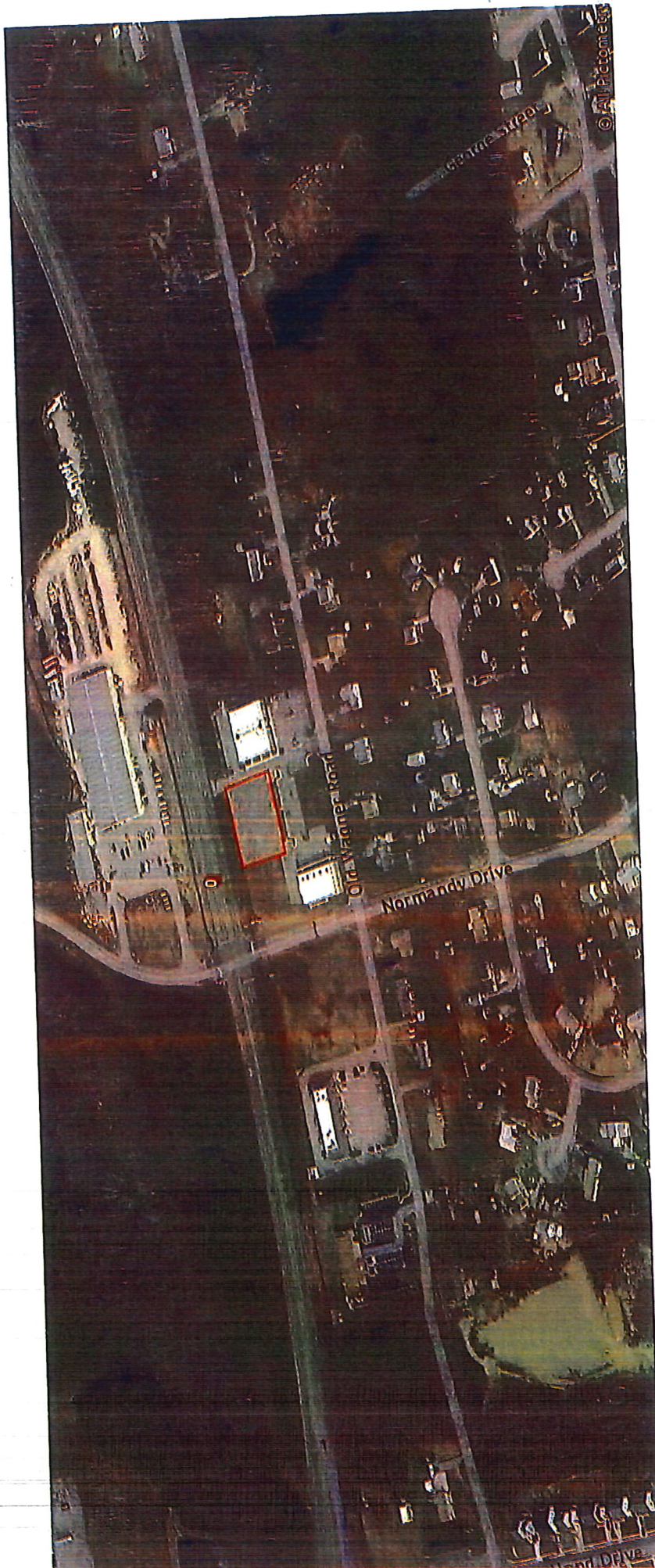
Parcel #: 083010806

Date: 7/5/20

*DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and City of Petersburg is not responsible for its accuracy or how current it may be.*

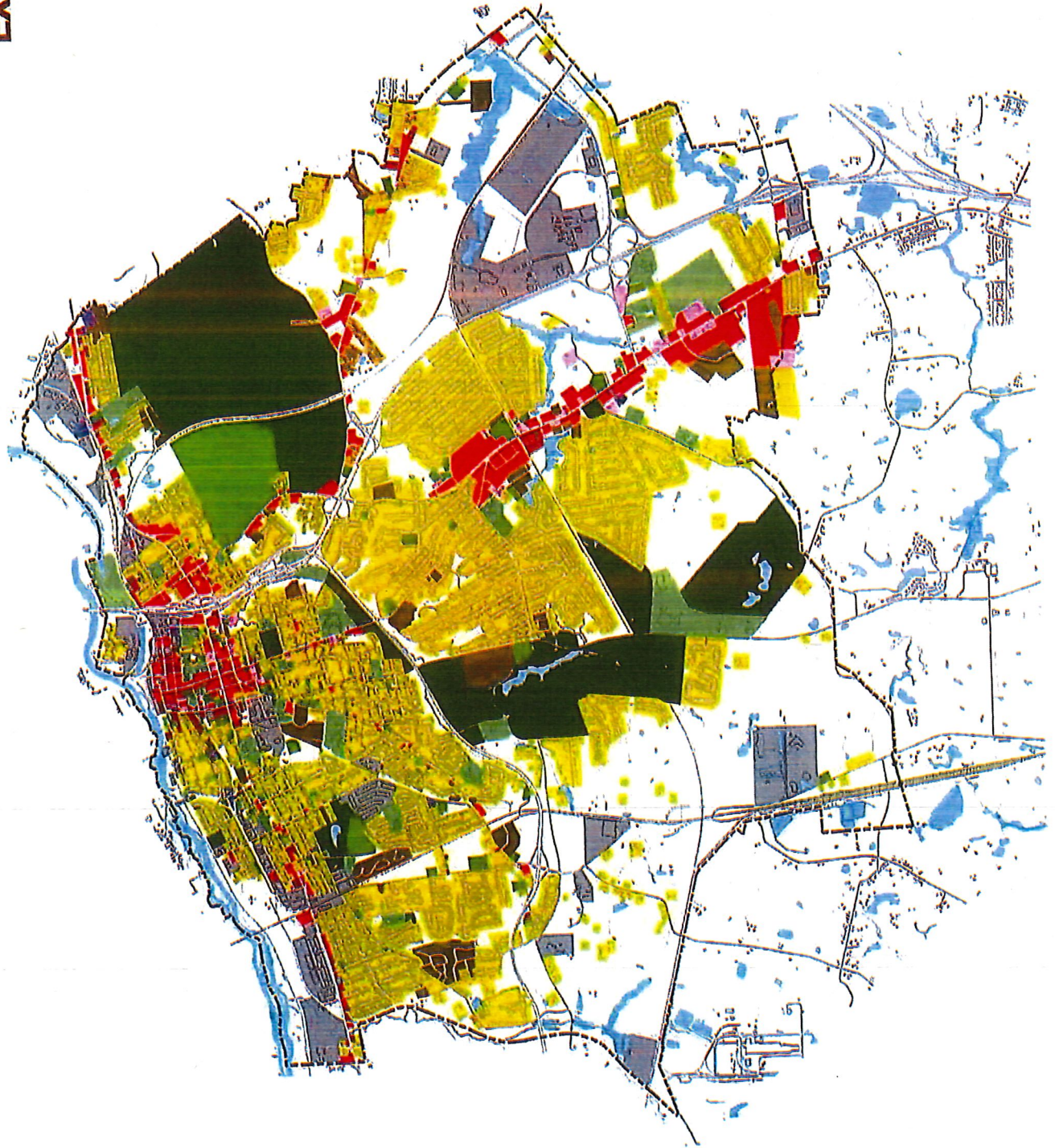


**Proposed Wagner Rd Polyclinic Restaurant TP#083010808**





# EXISTING LAND USE COMPREHENSIVE PLAN City of Petersburg, Virginia

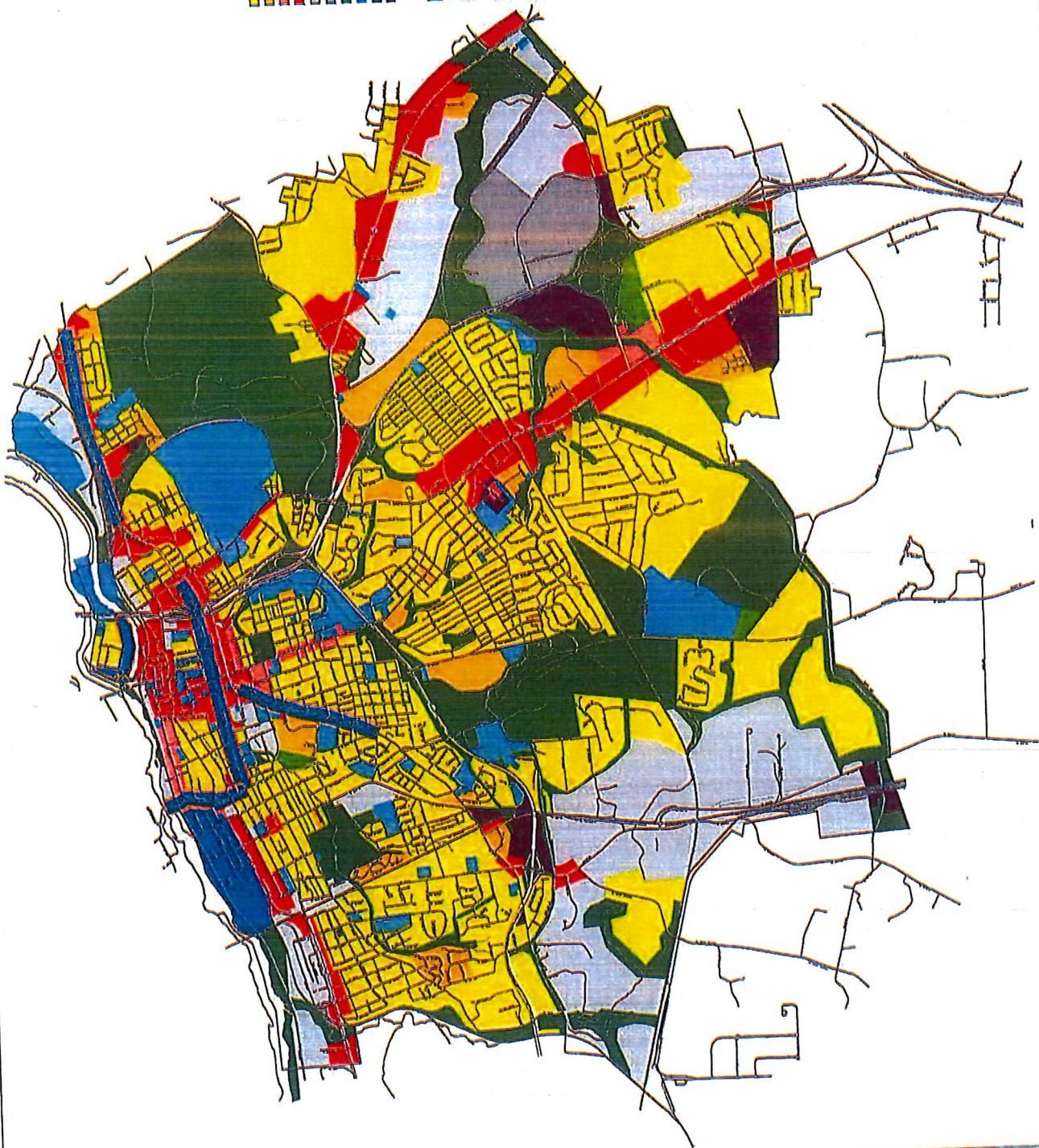


- LEGEND**  
Land Use Classifications
- Residential**
    - SINGLE FAMILY
    - MOBILE HOME
    - MULTI-FAMILY
  - Commercial**
    - RETAIL & SERVICE
    - GENERAL COMMERCIAL
    - BUSINESS / PROFESSIONAL SERVICE
  - Industrial**
    - INDUSTRIAL
    - WAREHOUSING
  - Public & Semi-Public**
    - COMMUNITY FACILITIES
    - PLACES OF WORSHIP, CEMETERIES
    - LODGES
    - PARKS & RECREATION
    - VACANT



MAY 20, 2008  
K.W. Poore and Associates, Inc.  
Community Development Consultants





## LEGEND

[Yellow]	LOW DENSITY RESIDENTIAL	[Dark Blue]	RTE. 36 (E. WASHINGTON STREET) DEVELOPMENT CORRIDOR
[Orange]	MEDIUM / HIGH DENSITY RESIDENTIAL	[Light Blue]	EAST CITY LIMITS to E. BANK STREET
[Red]	MIXED COMMERCIAL / PROFESSIONAL	[Dark Blue]	WASHINGTON STREET DEVELOPMENT CORRIDOR
[Light Green]	COMMERCIAL	[Dark Blue]	CRATER ROAD to ADAMS STREET
[Dark Green]	LIGHT INDUSTRIAL/FLEXIBLE	[Dark Blue]	WASHINGTON STREET DEVELOPMENT CORRIDOR
[Light Blue]	HEAVY INDUSTRIAL	[Dark Blue]	ADAMS STREET TO SOUTH STREET
[Dark Blue]	INSTITUTIONAL	[Dark Blue]	HALIFAX STREET DEVELOPMENT CORRIDOR
[Light Green]	PARKS & OPEN SPACE	[Dark Blue]	W. WYTHE STREET to VIRGINIA AVENUE
[Dark Green]	PUBLIC USE (OFFICE, INSTITUTIONAL, COMMERCIAL, RESIDENTIAL)	[Dark Blue]	UNIVERSITY BOULEVARD / N. SOUTH STREET
[Dark Green]	MIXED USE (OFFICE, INSTITUTIONAL, COMMERCIAL, RESIDENTIAL)	[Dark Blue]	DEVELOPMENT CORRIDOR
[Dark Green]		[Dark Blue]	W. WASHINGTON STREET to APPOMATTOX RIVER
[Dark Green]		[Dark Blue]	POCAHONTAS ISLAND
[Dark Green]		[Dark Blue]	DEVELOPMENT DISTRICT
[Dark Green]		[Dark Blue]	BATTERSEA
[Dark Green]		[Dark Blue]	DEVELOPMENT DISTRICT

## FUTURE LAND USE PLAN

CITY OF PETERSBURG, VIRGINIA  
COMPREHENSIVE PLAN 2014



Patrons – All Members of Council

Approved as to form and legality by the City Attorney

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PETERSBURG, AS AMENDED, BY AMENDING THE DISTRICT MAP SO AS TO MODIFY THE DESIGNATION OF CERTAIN PROPERTY HAVING A CURRENT ADDRESS OF 601 OLD WAGNER ROAD, FURTHER IDENTIFIED AS TAX PARCEL 083-01-0005, FROM "PUD", PLANNED UNIT DEVELOPMENT DISTRICT (MULTI-FAMILY LAND USE DESIGNATION) TO "B-2(C)", GENERAL COMMERCIAL DISTRICT, WITH CONDITIONS.**

**WHEREAS**, Zahid Rashid, MD, contractual owner of certain property having a current address of 601 Old Wagner Road, further identified as tax parcel 083-01-0005, petitioned the City Council of the City of Petersburg, through its Planning Commission to amend the City's zoning ordinance; and

**WHEREAS**, the subject property, having a current address of 601 Old Wagner Road, further identified as tax parcel 083-01-0005, contains approximately 7.3221 +/- acres of land and is located along the north side of Old Wagner Road, the east side of Normandy Drive, and the south side of Wagner Road; and

**WHEREAS**, the amendment sought by the contractual owner of the subject property would modify the zoning designation of the subject property from "PUD", Planned Unit Development District (Multi-Family Land Use Designation), to "B-2(c)", General Commercial District; and

**WHEREAS**, such proposed amendment to the zoning district designation and the zoning district map is sought to facilitate and promote office development at the subject site; and



**WHEREAS**, the Planning Commission held a public hearing on the proposed amendment on September 3, 2008 and has given interested citizens and other parties the opportunity to comment on the request; and

**WHEREAS**, the proposed change of zone is consistent with the Comprehensive Plan 2000; and

**WHEREAS**, by letter dated September 16, 2008 (attached hereto as Exhibit A), the contractual owner of the subject property proffered to the City conditions to mitigate the impact of the change of zone designations upon the surrounding properties and land uses; and

**WHEREAS**, the Planning Commission recommends that City Council approve the proposed amendment to the zoning ordinance, with the conditions proffered by the petitioner, attached hereto and made a part hereof; and

**WHEREAS**, the City of Petersburg has held a public hearing on October 28, 2008, pursuant to notice thereof as required by law, on the proposed amendment to the zoning ordinance; and

**WHEREAS**, the City Council of the City of Petersburg has determined that the proposed amendment to the zoning ordinance should be granted, with the conditions proffered by the petitioner attached hereto and made a part hereof.

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Petersburg:

§ 1. That the zoning ordinance, as amended, be amended further by amending the District Map constituting a part of said ordinance, as amended, so as to change the designation of the following described property from "PUD", Planned Unit Development District (Multi-Family Land Use Designation), to "B-2(c)", General Commercial District, with the proffered conditions attached hereto and made a part hereof:

that certain 7.3221 +/- acre parcel of land situate and being in the City of Petersburg, with approximately four hundred fifty (450') feet of frontage along the north side of Old Wagner Road, approximately one thousand three hundred ninety five (1,395') feet of frontage along the south side of Wagner Road, and approximately three hundred (300') feet of frontage along the east side of Normandy Drive, addressed as 601 Old Wagner Road and further identified as Tax Parcel 083-01-0005.

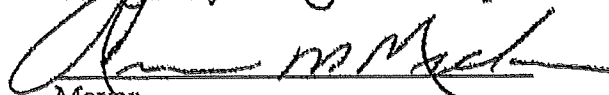
§ 2. That the use of the above described (rear) portion of the subject parcel shall be conditioned/restricted as follows:

This land will be used for, but not limited to, retention, drainage, landscaping, walking paths, gazebo and etc.

§ 3. That this ordinance shall take effect immediately upon adoption.

Ordinance 08 - Ord - 88  
adopted by the City of Petersburg Council  
of the City of Petersburg on:  
10/28/08

  
Clerk of City Council

  
Mayor



## CITY COUNCIL AGENDA FORM

**Item Public Hearing: Petition for a Change in the Zoning Designation of Property Addressed as 601 Old Wagner Road from PUD, Planned Unit Development District, to B-2 (c), General Commercial District with Conditions**

**Date of Meeting** October 28, 2008

**Date Prepared** October 23, 2008

### BACKGROUND:

Zahid Rashid, contract purchaser of the subject property, requests a change in the zoning designation, and corresponding amendment to the zoning map, of property addressed as 601 Old Wagner Road, further identified as Tax Parcel 083-01-0005, from PUD, Planned Unit Development District, to B-2 (c), General Commercial District with conditions, to permit professional office and commercial use of the subject property.

The purpose of this public hearing is to receive citizen comment on the request for a change of the zoning designation of property addressed as 602 Old Wagner Road. The public hearing was duly advertised in the local newspaper.

Leonard A. Muse, Director of Planning and Community Development, will present the attached case report.

### ACTION REQUESTED:

Following the public hearing, Council, if it so desires, may accept, amend, or reject the Planning Commission's recommendation to approve the request to change the zoning designation of 601 Old Wagner Road from PUD, Planned Unit Development District, to B-2 (c), General Commercial District with conditions.

**City Manager** *Wendell*

### FOLLOW UP DIRECTIONS:

<u>Action</u>	<u>Vote</u>	<u>Yes</u>	<u>No</u>	<u>Routing</u>
<input type="checkbox"/> Approved	Rice - W1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Economic Development
<input type="checkbox"/> Denied	Ross - W2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Finance
<input type="checkbox"/> 1st Reading	Pritchett - W3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Fire
<input type="checkbox"/> 2nd Reading	Moore - W4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Planning
<input type="checkbox"/> Deferred	Mickens - W5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Police
	Coleman - W6	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Other _____
	Webb - W7	<input type="checkbox"/>	<input type="checkbox"/>	

☐ Appropriation ordinance attached    ☐ Please expedite processing    ☐ Confer with the City Manager for special instructions



of 601 Old Wagner Road from PUD, Planned Unit Development District, to B-2 (c), General Commercial District with conditions.

Leonard Muse, Director planning and Community Development read over the case report.

Mark Specter, agent for Zahid Rashid, stated that the rezoning request is necessary because the current zoning request of PUD is not appropriate zoning for this small piece of property for Dr. Rashid's intended use. He stated therefore; "B-2" zoning is requested to make it necessary for Dr. Rashid to relocate from Colonial Heights to the site located into Petersburg. He stated that the conditions that they recommend are uses that would be allowed but eliminate all other uses that are currently available under the existing PUD or a general "B-2" zoning.

Mr. Specter passed out some information for City Council. He stated that the uses and conditions proposed are uses that Mr. Muse stated. He stated that they were churches, business offices, professional offices, medical offices, child and family care centers, schools such as and not limited to nurseries, and other facilities. He stated that it is on the corner of Crater Road and Normandy. He stated that they added another condition, which runs behind the houses along Old Wagner Road that is addressed as 647,666, and 707 Old Wagner Road. He stated that this area maybe be used with the exception of drainage and etc.

Mr. Specter went over the acreage of the property.

Mayor Mickens opened the floor for public comment.

Raymond Crockett, 248 Southwood Drive, stated that this is a good investment for the City of Petersburg. He stated that he thinks that City Council should get them all the help that they need to get this project started on because the way of the economy.

Seeing no further hands, Mayor Mickens closed the public hearing.

Mr. Canada stated that he would like to clarify for the record that the conditions that were read are enumerated in the letter date September 16, 2008.

Vice Mayor Webb made a motion to accept the Planning Commission's recommendation to approve the request to change the zoning designation of 601 Old Wagner Road from PUD, Planned Unit Development District, to B-2(c), General Commercial District, with conditions. The motion was seconded by Council Member Rice. The motion was approved unanimously on roll call vote. On roll call vote, voting yes: Coleman, Moore, Rice, Ross, Webb, Mickens Absent: Pritchett

**08-ORD-88 AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE THE REQUEST TO CHANGE THE ZONING DESIGNATION OF 601 OLD WAGNER ROAD FROM PUD, PLANNED UNIT DEVELOPMENT DISTRICT, TO B-2(C), GENERAL COMMERCIAL DISTRICT, WITH CONDITIONS.**

- b. On referral from the Planning Commission and as required by the Code of Virginia, as amended, a public hearing on a request, initiated by City Council, for an amendment to the General Land Use Plan of the City's Comprehensive Plan 2000 to change the land use designation of property addressed as 506-530 Halifax Street, consisting of approximately two (2) acres, from low-density residential use to medium/high density residential use to facilitate multi-family residential development of the subject property.

**BACKGROUND:** City Council requested that the Petersburg Planning Commission make a recommendation regarding an amendment to the General Land Use Plan of the City's Comprehensive Plan 2000 to change the land use designation of the area immediate to 506-530 Halifax Street, such property consisting of approximately two (2) acres, from low-density residential use to medium/high-density residential use to facilitate multi-family residential development of the subject property. The Planning Commission held a public hearing on September 3, 2008, on Council's request.

The purpose of this public hearing is to receive citizen comment on the proposed amendment to the Comprehensive Plan 2000.

**ACTION REQUESTED:** Following the public hearing, Council, if it so desires, may accept, amend, or reject the Planning Commission's recommendation to approve the request to amend the General Land Use Plan of the City of Petersburg's Comprehensive Plan 2000 to change the land use designation of 504-530 Halifax Street from low-density residential use to medium/high-density residential use.

Leonard Muse, Director Planning and Community Development read over the case report.

Mayor Mickens opened the floor for public comment.

Mr. [Name] and 100 Belfo Street stated that he thought that Tabernacle Church bought all of the land



and that he thought that they were going to do an expansion. He stated that there are some houses that are still standing in that area. He asked that the meeting that the meetings that they are having around the City in the last two or three years regarding the 20/20, is this part of the plan. He asked whether this plan go through and is this part of the plan.

Mr. Canada stated that this property as he understands it does not include property on which existing houses are located. He stated that this is all undeveloped property. He stated that it is being designated for high-density residential use in order to accommodate plans to develop the property as multi-family residential for seniors. He stated that it will be from 40 to 60 units. He stated that the finances will be constructed in 2009 and construction will begin in 2010.

Seeing no further hands, Mayor Mickens closed the public hearing.

Council Member Ross made a motion to accept the Planning Commission's recommendation to approve the request to amend the General Land Use Plan of the City of Petersburg's Comprehensive Plan 2000 to change the land use designation of 504-530 Halifax Street from low-density residential use to medium/high-density residential use. The motion was seconded by Vice Mayor Webb. The motion was approved on roll call vote. On roll call vote, voting yes: Coleman, Moore, Rice, Ross, Webb, Mickens Absent: Pritchett

**08-ORD-89 AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE THE REQUEST TO CHANGE THE ZONING DESIGNATION OF 504-530 HALIFAX STREET FROM LOW-DENSITY RESIDENTIAL USE TO MEDIUM/HIGH-DENSITY RESIDENTIAL USE.**

- c. As required by the Code of Virginia, as amended, a public hearing on a request from Downtown Churches United, Inc. for a real estate tax exemption for property addressed as 829 Commerce Street, further identified as Tax Parcel 024-13-0801, such property to be known as the Hope Center, a location at which a variety of support services will be provided to low-moderate-income households.

**BACKGROUND:** Downtown Churches United, Inc. requests a real property tax exemption for property addressed as 829 Commerce Street, further identified as Tax Parcel 024-13-0801, such property to be known as the Hope Center, a location at which a variety of support services will be provided to low- and moderate-income households.

The subject property, including improvements, currently has an assessed value of \$644,600 and annually generates \$8,702.10 in real property taxes based on a real estate tax of \$1.35 per \$100 of fair market value. If the real estate tax exemption for the subject property is granted to Downtown Churches United, Inc., Downtown Churches United would be responsible for a service fee based on 20% of the assessed value, which yields an annual payment of \$1,740.42 at the current assessed value and current real estate tax rate of \$1.35 per \$100 of fair market value.

The purpose of this public hearing is to receive citizen comment on the proposed provision of a real property tax exemption for the subject property.

**ACTION REQUESTED:** Following the public hearing, Council, if it so desires, may provide a real property tax exemption to Downtown Churches United, Inc. for the property addressed as 829 Commerce Street.

Leonard Muse, Director Planning and Community Development read over the case report.

Mayor Mickens opened the floor for public comment.

Richard Stewart, 129 Rolfe Street, stated that he is not trying to go against the church and the good that it is doing for Petersburg. He stated that there is a very aggressive approach to buy Petersburg. He stated that now they are taking old buildings and turning them into affordable apartments. He stated that when he looks at this situation, it gives him the appearance of redistributing of wealth. He asked can this facility continue to exist in the same area.

Mr. Canada stated that they believe that the uses that are developing in that particular area can coexist without there being any major problems. He stated that as Mr. Stewart indicated this area is under some development pressures. He stated that the building on the corner of North South Street and Commerce Street has been developed into loft apartments in which all are rented. He stated that the building that is across North Dunlop Street from this property is the North Dunlop Street Lofts. He stated that the developers of these two properties are also interested in the Titmus building. He stated that they are not in the position to provide real estate exemptions of any nature. He stated that they do not see any way of any major problems happening at all.

David Primeaux, 511 West Washington Street, stated that he had questions about tax exemption on



tax-exempt status. He asked does it follow the property or the use of the property.

Mr. Canada stated that his understanding is that the tax-exempt follows the use of the property. He stated that the City does however, have transferred fee simple titles to this property to Downtown Churches United with the stipulation that the building will be used as the Hope Center. He stated that they do not anticipate anytime in the near future that this property will be used for anything other than the Hope Center. He stated that in addition to this they leased the property next door to the Salvation Army for operation of the homeless shelter for one year. He stated that they anticipate that these two properties will be used for public service activities in the future.

Seeing no further hands, Mayor Mickens closed the public hearing.

Mr. Canada stated that it is their understanding that if it is legally permissible that they would want the tax exemption status to be retroactive to July 1, 2008.

Council Member Moore made a motion to provide a real property tax exemption to Downtown Churches United, Inc. for the property addressed as 829 Commerce Street. The motion was seconded by Vice Council Member Ross. The motion was approved on roll call vote. On roll call vote, voting yes: Coleman, Moore, Rice, Ross, Webb, Mickens Absent: Pritchett

**08-ORD-90 AN ORDINANCE TO PROVIDE A REAL PROPERTY TAX EXEMPTION TO DOWNTOWN CHURCHES UNITED, INC. FOR THE PROPERTY ADDRESSED AS 829 COMMERCE STREET.**

- d. As required by the Code of Virginia, as amended, a public hearing on the potential disposition of publicly-owned property located on the southwest corner of West Wythe Street and South Union Street adjacent to property addressed as 54 South Union Street, the subject property consisting of an improved parcel of 2,378 square feet.

**BACKGROUND:** The City is considering the disposition of publicly-owned property located on the southwest corner of West Wythe Street and South Union Street and adjacent to property addressed as 54 South Union Street, further identified as Tax Parcel 022-18-0036; the subject property is undeveloped contains 2,378 square feet of land, and is zoned B-3, Central Commercial District.

State Code requires localities to hold a public hearing before the disposition of publicly-owned property. The purpose of this public hearing is to receive citizen comment on the proposed disposition of the subject property.

**ACTION REQUESTED:** Following the public hearing, Council, if it so desires, may authorize the City Manager to dispose of the property located on the southwest corner of West Wythe Street and South Union Street and adjacent to 54 South Union Street.

City Manager B. David Canada read over the case report.

Mr. Canada stated that Mr. Preston could not attend due to prior commitment. He stated that Mr. Preston has already begun working in the building.

Mayor Mickens opened the floor for public comment.

Richard Stewart, 129 Rolfe Street, stated that he hates to be critical of the situation and that he has mentioned this some years ago. He stated that he can read blueprints, to specifications, and anything that City Council can read. He stated that what is on the screen, the average John Doe does not know much about what they are talking about. He asked City Council why they don't show pictures of the area that they are talking about. He stated that he bets that 80% of the audience does not understand what is being stated. He stated that when they put the pictures up on the projector it does not mean anything to the owner of the property or public hearing that is being heard. He stated that all that is seen is squares and broken lines. He stated that if a picture of the property was put up there then the citizens would be able to understand.

Gloria Brown, 1557 South Sycamore Street, stated that she does not understand why the City is continuing to give people real estate. She stated that there is no mistake that this attorney all of a sudden wants rights to this property. She stated that this time when the property value is jumping because of activity across the street and that this is an excellent business strategy. She stated that this is a City that needs to be run like a business and that the City needs to stop giving away property. She stated that he is an attorney and that he can afford. She stated that if he was able to afford those drawings then he can give City Council the assessed value to this property. She stated that the City cries broke when it is time for the budget. She stated that during the year the City is giving away real estate and that she is not a rocket scientist but she does not see where this make since. She stated that it is time for this City to be run like a business and make profits.

Mayor Mickens stated that this public hearing is regarding the disposition of the property. She stated that it is not an assembly of that nature during this hearing.



September 16, 2008

Leonard A. Muse  
Director of Planning  
City Hall, Room 304  
Petersburg, VA 23803

RE: REZ 2008-02  
Tax Parcel #083-01-0005

Dear Mr. Muse,

I, Zahid Rashid, hereby proffer that the development of the subject property of my application shall be in strict accordance with conditions set forth in this submission. I agree that if the property is rezoned, the property will be subject to these conditions.

The area consisting of approximately 3.45 acres as highlighted in yellow on the attached plat will have the following conditions as allowed uses:

- Churches
- Business offices and professional offices
- Medical offices
- Child/family care centers
- School such as, but not limited to, nursery, training, nursing and etc.
- Studio for artist, photographer and musicians which include teaching of art, music, dancing and other artistic instructions

The balance of the land of approximately 3.90 acres as highlighted in blue on the attached plat will have the following condition as an allowed use:

- This land will be used for, but not limited to, retention, drainage, landscaping, walking paths, gazebo and etc.

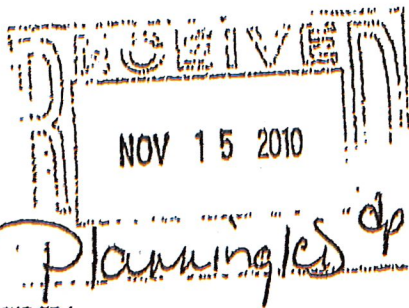
Should you have any questions, feel free to contact my agent, Mark Specter at (804) 733-4040.

Sincerely,



Zahid Rashid, MD

Prepared by and return to:  
Jack R. Wilson, III, Esq.  
JACK R. WILSON, III PLC  
9401 Courthouse Road, Suite 204  
Cheslerfield, Virginia 23832  
(804) 425-9474



Tax Map No.: 083010005

COMMONWEALTH OF VIRGINIA  
CITY OF PETERSBURG

## EASEMENTS AND RESTRICTIVE COVENANTS

THIS DECLARATION OF EASEMENTS AND RESTRICTIVE COVENANTS for  
Polyclinic Park (the "Park") made this \_\_\_\_ day of November, 2010, by Polyclinic Park, LLC, a  
Virginia limited liability company (the "Declarant");

### WITNESSETH

Declarant hereby declares that the following described real property, of which it is owner,  
located in the City of Petersburg, Virginia, is and shall be held, transferred, sold and conveyed  
subject to the protective covenants hereinafter set forth:

ALL that certain tract, piece or parcel of land, lying and being situated in  
the City of Petersburg, Virginia, containing 7.3221 acres, more or less, being  
known and designated as Parcel 4 on a plat prepared by Harvey L. Parks, Inc.,  
dated July 2, 1989, entitled "Plat of Four Parcels of Land Owned by The Berkeley  
Venture at the Intersection of Wagner Road and North Normandy", recorded on  
May 4, 1990, in the Clerk's Office of the Circuit Court, City of Petersburg,  
Virginia in Plat Book 5, Page 38, reference to which plat is hereby made for a  
more particular description of the property herein conveyed.

BEING the same real estate conveyed to Polyclinic Park, LLC by deed  
from Pearl S. Branch, Attorney-in-fact Acting on behalf of Jack T. Branch, dated  
November 24, 2008, recorded December 1, 2008, in the Clerk's Office, Circuit  
Court, City of Petersburg, Virginia, as Instrument No. 08004636.

### PREAMBLE

The above-described land, which is subject to these protective covenants (the  
"Property"), is being developed by Declarant for individual, for sale, commercial building lots



with a unified parking, utility, trash collection, and maintenance plan for the Park. A plat showing the subdivision of the Property into individual lots and the location of stormwater drainage easements and improvements is attached hereto as Exhibit 1 (the "Master Plan").

#### Purpose

The Property is hereby made subject to the protective covenants and restrictions hereby declared for the purpose of insuring the best use and most appropriate development and improvement of the Property; to protect the Property and the owners of the lots therein against such improper use of surrounding building sites as will depreciate the value of the property of each; to preserve so far as practicable the natural beauty of the Property and especially the trees growing thereon, to guard against the erection thereon of poorly designed or proportioned structures, and structures built of improper or unsuitable materials; to obtain harmonious color schemes, to insure the highest and best development of the Property; to encourage and secure the proper siting and erection of attractive buildings and to provide adequate free space between structures; and in general, to provide adequately for a high type and quality of improvements on the Property, and thereby to enhance the values of investments made by purchasers therein,

#### Use

- A. Approved Uses. Subject to applicable zoning restrictions and to specific prohibited uses as set forth in sub-paragraph D below, uses which are approved for the Property include:
1. Warehouse, office and distribution.
  2. Research, R&D production and research related data processing.
  3. Office, headquarters, training facilities, support services, call centers and wholesalers.
  4. Retail and service uses that serve the convenience needs of Polyclinic Park occupants and that are compatible with the Polyclinic Park Master Plan.

B. Prohibited Uses. No use of the Property shall be permitted which is offensive by reason of odor, fumes, dust, smoke, noise, vibration or other pollution, nor shall any use be permitted which is hazardous by reason of excessive danger of fire or explosion, which may be injurious to any property or persons on or about the Property, and any dust, smoke or other airborne pollutants visible outside of a building shall be considered offensive.

Uses that are prohibited include the following:

1. Parking lots or equipment storage (as a principal use).
2. Flea markets; pawn shops; junkyards and auto wrecking yards; antique stores; bait shops; used clothing and furniture shops; secondhand stores; personal property rental establishments whose primary business is a short term rental of personal property.
3. Bowling alleys; pool halls; drive-in theaters; suntan centers (as a principal use).
4. Retail business not related to or supporting of business in the Park.
5. Individual warehouse units which are constructed as a part of a group of such individual units and which are intended to be individually leased or rented to users other than the owner or operator of the storage units. Such units are sometimes referred to as "mini warehouse facilities."

C. Hazardous Materials. No Hazardous Materials of any kind shall be permanently stored in or disposed of in the Property. As used herein, Hazardous Materials shall mean:



1. Any "hazardous waste" as defined by the Resource Conservation and Recovery Act of 1976, as amended from time to time, and rules or regulations promulgated thereunder;
2. Any "hazardous substance" as defined by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended from time to time, and rules and regulations promulgated thereunder, but excluding oil, petroleum products and their by-products.
3. Any substance which is regulated by any federal, state or local governmental authority or that is the subject of any law, rule or regulations.

*to comply*  
D. Plan Approval. Prior to the commencement of construction, addition or reconstruction of any improvement to the Property (including, buildings, auxiliary buildings, signs, walls, fences, outside lighting, landscaping, driveways and parking areas), the owner thereof must submit to the Declarant for its written approval two sets of complete plans and specifications for the proposed construction, alteration or reconstruction. All plans and specifications submitted shall be prepared by a qualified, registered architect or *engineer* contractor who shall certify in writing that he/she has and will prepare the plans in accordance with all applicable easements and setbacks pertaining to the Property. The plans and specifications shall require all contractors and subcontractors on the proposed projects to acknowledge receipt of and agree to abide by these conditions. The plans and specifications shall include such detail as the Declarant shall require to show the size, shape, floor plans, section details, square footage, height (including elevation drawings of all exterior walls), site plan, foundation plan, roof plans, all grading and landscaping plans, any proposed changes to be made in the elevation or surface conditions of the

Property, all exterior improvements, and building materials. The Declarant shall make its determination on approval of the plans and specifications, lot grading and landscaping plans, based upon the suitability and durability of the proposed construction, the quality of the building materials and overall construction, the harmony of external design and the effect and appearance of such proposed project as viewed from the streets and neighboring properties. The Declarant shall have 30 days from submission of plans and specifications to render either a written approval or written rejection thereof stating specifically the basis of objections. A rejection may also contain suggestions for changes to the plans and specification, etc. which would make such project acceptable. If the Declarant gives no response within 30 days of receipt of the plans and specification as submitted they shall be deemed to be approved. The Declarant need not respond until a complete set of plans and specifications is submitted and need not review submissions from anyone but an owner of a lot or other person or entity with a valid interest in a lot.

B. Construction Site Standards. Construction and the conduct thereof shall comply with all governmental requirements as to health and safety. In addition to building and site plans, the owner shall address, at a minimum, erosion control, parking for construction workmen, office trailers in the Property, materials storage location of telephone and vending machines, security, design, location and disposal of sewage during construction, cleaning and policing of the construction site and protection of streets, street right-of-ways and property adjoining the building site. These may be addressed in plan notes or letter form. No temporary building, job trailers or the like shall be permitted in the Property except those incident to construction while an approved building is being constructed thereon and shall be removed within 30 days following the issuance of a



permanent certificate of occupancy by the City of Petersburg, Virginia. When the construction of the project is begun, work thereon shall be prosecuted diligently and continuously until full completion. Any building shall be substantially completed prior to occupancy of any part thereof, and landscaping shall be fully completed within 30 days following initial occupancy, weather permitting or as determined by the Declarant.

F. Utility Easements. Anyone making use of the utility easements as set forth on the Master Plan of the Property shall be responsible for restoration of all landscaping disturbed by such work.

G. Parking. All parking areas and service drives shall be paved or a bituminous surface. No use shall be made of the lot or building constructed thereon which requires or is reasonably expected to require and attract parking in excess of the parking facilities of such lot. Notwithstanding the foregoing, all parking in the Park shall be available for use by all other owners in the Park. Parking will not be permitted on streets or on the Property except in paved parking areas designed for parking. Owners shall enforce all fire lane and other "no parking" restrictions on paved areas within their lots as required by the applicable fire safety authorities.

H. Lighting. All lighting shall be directed away from adjacent properties and shall be positioned to eliminate glare on streets and driveways. No permanent neon lights, intermittent or flashing lights shall be allowed. Only shaded light sources shall be used to illuminate signs, facades, building, parking and loading areas.

I. Screening. Stand fans, air conditioning units, cooling towers, elevator penthouses, vents and all other structures or equipment which rise above the roof line shall be

architecturally compatible or effectively shielded from ground view by architecturally sound methods which will be shown on the plans and specifications submitted to the Declarant pursuant to Paragraph D.

Any ground equipment located outside of a building shall not be located between a building and any street and where possible, shall not be visible from any street. All such equipment shall be screened or shielded from view in an architecturally harmonious manner.

No permanent storage of any articles, goods, or materials shall be permitted outside any building, unless fencing or other screening completely surrounds the material so that the material cannot be viewed from off the lot.

J. Maintenance. The owner of a lot shall have a duty and responsibility to:

1. Keep the premises, structures, improvements, parking lot, appurtenances and landscaping so that all conform with these restrictive covenants and to maintain a safe, clean and attractive condition at all times.
2. Comply in all respects with governmental, health, fire and police requirements.
3. Remove promptly any rubbish of any character whatsoever that may accumulate on a lot. Trash or rubbish must be placed in appropriate containers as designated by the Declarant. Trash or rubbish must not be placed or stored between any building and the edge of any abutting street.
4. Maintain all required landscaping and shall specifically (i) keep grass cut to not over 6 inches in height, (ii) remove all dead or diseased trees and shrubbery, and (iii) perform such additional planting, seeding, sodding and grading work as necessary to prevent soil erosion.



If, in the opinion of the Declarant, anyone who fails in any given responsibility set forth in the paragraph, then the Declarant may give such owner notice of failure and such owner must, within 10 days of receipt of such notice, undertake the work required to restore said owner's site to a safe, clean, attractive and lawful condition complying with these covenants. Should any such owner fail to timely fulfill this duty and responsibility after such notice, then the Declarant shall have the right, license and power, but not the obligation, to perform such area maintenance. The owner of a lot shall be liable for the cost of any such work, and shall reimburse the Declarant for all reasonable expenses, including reasonable attorney's fees, incurred in collecting such costs.

K. Sharing of Common Area Maintenance Costs. The costs to maintain, repair or replace common areas or improvements such as, but not limited to, the access roads, the common area landscaping, the private utilities servicing the Park and the trash disposal shall be shared equally by each owner of a lot within the Park with each lot owner being responsible for payment of twenty percent (20%) of each such cost. The Declarant shall provide written notice to each lot owner when such a common maintenance expense item arises and each lot owner shall pay its pro-rata share of such expense within ten (10) days of the Declarant's written notice.

L. Violations. If any person, firm, corporation or other entity owning or holding any interest in any lot, land or part of the subdivisions to which these restrictive covenants apply shall violate any of the covenants or restrictions set forth herein, then in order to redress such violations, the Declarant shall have the following powers and authority, all of which shall be cumulative and not exclusive:

1. To file an action at law for the recovery of damages from the person or persons violating these covenants, and including in such recovery all costs and expenses incurred in such action, including reasonable attorney's fees.
2. Each owner of any lot, to which these restrictive covenants applies does hereby acknowledge and agree that a remedy at law may be inadequate to secure redress and remedy arising from violations of these covenants, and does further acknowledge and agree that damages may be inadequate to properly compensate the Declarant for damage arising from violations of these covenants and restrictions. Each such owner of any lot does therefore acknowledge and agree that a court of competent jurisdiction shall have full authority to enter mandatory or prohibitory injunctions, preliminary or permanent, and restraining orders in accord with and pursuant to this provision.

M. Minor Variances; Waiver. Where a building or other improvement has been or is about to be erected on the Property in such a manner as to constitute a minor violation of, or variance from the covenants or restrictions herein set forth, the Declarant shall have the right to waive or release the variance or minor violation.

N. Severability. Invalidity of any one or more of the provisions of these covenants and restrictions shall not affect the validity or enforceability of any of the other provisions, hereof, which shall remain in full force and effect.

O. Additional Restrictions. A lot owner shall not, without the prior written consent of the Declarant, impose any additional covenant or restrictions in the Property or any part



thereof, but the Declarant may include in any contract or deed hereinafter made and covering all or any portion of said "part" any additional covenants or restrictions applicable to the Property which are not inconsistent with and which do not lower the standards of the covenants set forth herein.

P. Further Subdivision Prohibited. No lot which has been designated on the Master Plan to which these covenants and restrictions apply shall be further subdivided by any future owner thereof except with the express written consent of the Declarant.

Q. Titles. The addition of titles to the various paragraphs in this instrument are for convenience and identification only and the use of such titles shall not be construed to limit, enlarge, change, or otherwise modify any of the provisions hereof, each and all of which shall be construed as if not titled.

R. Duration and Amendment. Each of the conditions, covenants, restrictions and reservations set forth above shall continue and be binding for a period of twenty-five (25) years from the date hereof. The conditions, covenants, restrictions and reservations shall automatically be continued thereafter for successive periods of twenty (20) years each. Provided, however, that said conditions, covenants, restrictions and reservations set forth above may be amended or altered in accordance with the following:

1. So long as any of the lots within the subdivision to which these conditions, covenants, restrictions and reservations are applicable are owned by the Declarant, then said conditions, covenants, restrictions and reservations may be amended or altered only by execution of a written instrument containing

said amendment or alteration and executed by the owners of eighty percent (80%) in number of the lots within the subdivision.

2. At the time when the Declarant no longer owns any of the lots within the subdivision to which these conditions, covenants, restriction and reservations apply, said conditions, covenants, restrictions and reservations may be amended or altered by execution of a written instrument containing said amendment or alteration and executed by the owners of sixty percent (60%) in number of the lots within the subdivision.
3. Any amendment or alteration in these covenants shall be effective only from the time a duly adopted and executed original thereof shall have been recorded in the Clerk's Office of the City of Petersburg, Virginia.

POLYCLINIC PARK, LLC

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

COMMONWEALTH OF VIRGINIA  
COUNTY OF \_\_\_\_\_, to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of November, 2010, by \_\_\_\_\_, as \_\_\_\_\_ of Polyclinic Park, LLC, on behalf of the company.

My Declarant expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public









PETITION FOR ZONING CHANGE

Property Owner(s): Adjacent to Affected Property

NAME(S)

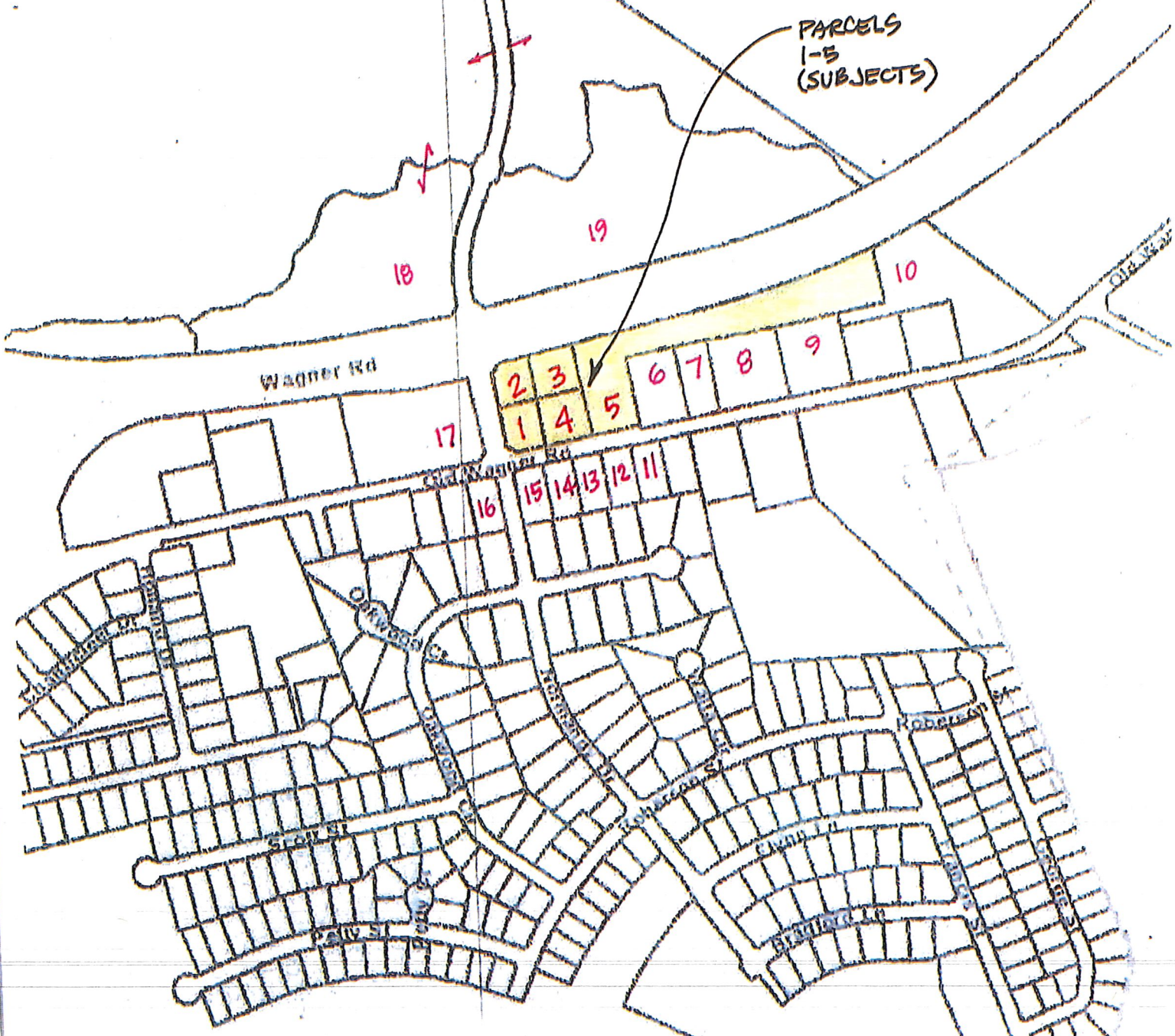
Address(es)

SEE ATTACHED PROPERTY OWNERS



REAL SIMPLE HEALTHCARE, LLC  
POLYCLINIC PARK, LLC

PARCELS  
1-5  
(SUBJECTS)





REAL SIMPLE HEALTHCARE, LLC &  
POLYCLINIC PARK, LLC

- 1 Real Simple Healthcare, LLC  
1519 Marylebane Lane  
Midlothian, VA 23113  
Parcel No.: 083010806  
Deed Book 2013, Page 1714  
Zoned General Commercial (B-2C)
- 2 Polyclinic Park, LLC  
1519 Marylebane Lane  
Midlothian, VA 23113  
Parcel No.: 083010807  
Deed Book 2008, Page 4636  
Zoned General Commercial (B-2C)
- 3 Polyclinic Park, LLC  
1519 Marylebane Lane  
Midlothian, VA 23113  
Parcel No.: 083010808  
Deed Book 2008, Page 4636  
Zoned General Commercial (B-2C)
- 4 Polyclinic Park, LLC  
1519 Marylebane Lane  
Midlothian, VA 23113  
Parcel No.: 083010809  
Deed Book 2008, Page 4636  
Zoned General Commercial (B-2C)
- 5 Polyclinic Park, LLC  
1519 Marylebane Lane  
Midlothian, VA 23113  
Parcel No.: 083010805  
Deed Book 2008, Page 4636  
Zoned General Commercial (B-2C)
- 6 Howard M. & Patricia Fitzgerald  
647 Old Wagner Road  
Petersburg, VA 23803  
Parcel No.: 083010800  
Deed Book 420, Page 649  
Zoned Single Family Urban (R-1A)
- 7 Chance Taylor  
667 Old Wagner Road  
Petersburg, VA 23803  
Parcel No.: 083010801  
Deed Book 2004, Page 3508  
Zoned Single Family Urban (R-1A)
- 8 Gladys V. Taylor, Audrey G. Taylor & Harvey R. Jones  
707 Old Wagner Road  
Petersburg, VA 23803  
Parcel No.: 084010001  
Deed Book 385, Page 714  
Zoned Single Family Urban (R-1A)
- 9 Robert N. & Jeanne J. Talley  
741 Old Wagner Road  
Petersburg, VA 23803  
Parcel No.: 084010002  
Deed Book 396, Page 667  
Zoned Single Family Urban (R-1A)
- 10 Jeffrey Harlow  
547 Hallmark Drive  
Newport News, VA 23606  
Parcel No.: 084010004  
Deed Book 2013, Page 49  
Zoned Single Family Urban (R-1A)
- 11 Pricilla Ann Warren  
644 Old Wagner Road  
Petersburg, VA 23805  
Parcel No.: 083050011  
Deed Book 2017, Page 2398  
Zoned Single Family Urban (R-1A)
- 12 Teresa L. Hussein  
636 Old Wagner Road  
Petersburg, VA 23805  
Parcel No.: 083050010  
Deed Book 2021, Page 0557  
Zoned Single Family Urban (R-1A)
- 13 Ian D. & Sarah M. Thompson  
628 Old Wagner Road  
Petersburg, VA 23805  
Parcel No.: 0830500090  
Deed Book 2018, Page 0730  
Zoned Single Family Urban (R-1A)
- 14 Annie G. Welch  
620 Old Wagner Road  
Petersburg, VA 23805  
Parcel No.: 083050008  
Deed Book 2006, Page 1753  
Zoned Single Family Urban (R-1A)
- 15 Lolita Trotman  
610 Old Wagner Road  
Petersburg, VA 23805  
Parcel No.: 083050007  
Deed Book 2004, Page 2826  
Zoned Single Family Urban (R-1A)
- 16 Gary L. Cole & Kimberly G. Johnson  
598 Old Wagner Road  
Petersburg, VA 23805  
Parcel No.: 083040005  
Deed Book 2021, Page 2071  
Zoned Single Family Urban (R-1A)
- 17 OTBR, LLC  
595 Old Wagner Road  
Petersburg, VA 23805  
Parcel No.: 083010805  
Deed Book 2006, Page 3278  
Zoned Planned Unit Development (PUD)
- 18 Ampac Fine Chemicals Virginia, LLC  
2820 North Normandy Drive  
Petersburg, VA 23805  
Parcel No.: 063010001  
Deed Book 2016, Page 2219  
Zoned Heavy Industrial (M-2)
- 19 Partlo Petersburg, LLC  
P. O. Box 799  
Garner, NC 27529  
Parcel No.: 083010893  
Deed Book 2007, Page 6348  
Zoned Light Industrial (M-1)



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** October 4, 2022

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** March Altman, Jr., City Manager  
Tangela Innis, Deputy City Manager  
Brian Moore, Director of Economic Development

**FROM:** Reginald Tabor

**RE:** **A request to schedule a Public Hearing and consideration of an Ordinance approving a petition to rezone the property located at 970 Winfield Road from R-5, Multiple Dwelling District to M-1, Light Industrial District to permit the use for a solar electric generating facility for October 18, 2022. (Page 70)**

**PURPOSE:** To schedule a Public Hearing on October 18, 2022 and consideration of an Ordinance regarding a petition to rezone the property located at 970 Winfield Road from R-5, Multiple Dwelling District to M-1, Light Industrial District to permit the use for a solar electric generating facility.

**REASON:** To comply with applicable procedures and laws regarding amendments to the Zoning designation of properties.

**RECOMMENDATION:** It is recommended that the City Council schedules a Public Hearing and consideration of an Ordinance regarding a petition to rezone the property located at 970 Winfield Road from R-5, Multiple Dwelling District to M-1, Light Industrial District to permit the use for a solar electric generating facility.

**BACKGROUND:** The City of Petersburg Zoning Ordinance establishes zoning district and permitted uses within each district.

The property located at 970 Winfield Road, PID: 034020003, is currently zoned R-5, Multiple Dwelling District, and the City received a petition submitted by Solar Star Petersburg 1, LLC, to rezone the property to M-1, Light Industrial District. The petitioner would like to construct and operate a 5MWac solar electric generating facility (Solar Energy Facility).

The subject property totals 20.22 acres and, the City's Comprehensive Plan Future Land Use Plan designates the property as Medium and High Density Residential.

Pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, this is a public hearing to consider approval of the Zoning Amendments, and the public hearing was advertised, in accordance with

applicable laws.

The Planning Commission approved a resolution during the September 1, 2022 meeting to recommend approval of an amendment to the Comprehensive Plan Future Land Use for the area of the City that includes the property located at 970 Winfield Road, PID: 034020003, to designate the future land use as Light Industrial, and to recommends approval of an amendment to the Zoning District Designation to designate the property located at 970 Winfield Road, PID: 034020003 as zoned M-1, Light Industrial District.

**COST TO CITY:** N/A

**BUDGETED ITEM:** N/A

**REVENUE TO CITY:** Revenue from the development and use of the property.

**CITY COUNCIL HEARING DATE:** 10/18/2022

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:** N/A

**AFFECTED AGENCIES:** Economic Development, Planning and Community Development

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:** N/A

**REQUIRED CHANGES TO WORK PROGRAMS:** N/A

**ATTACHMENTS:**

1. 1004\_2022OrdinanceRezoning970WinfieldRd
2. 0901\_2022CaseReport970WinfieldRd



**AN ORDINANCE APPROVING AN AMENDMENT TO THE COMPREHENSIVE PLAN AND ZONING DESIGNATION OF THE PROPERTY LOCATED AT 970 WINFIELD ROAD FROM R-5, MULTIPLE DWELLING DISTRICT TO M-1, LIGHT INDUSTRIAL DISTRICT TO PERMIT A SOLAR ENERGY FACILITY USE**

WHEREAS, the City of Petersburg Zoning Ordinance establishes zoning district and permitted uses within each district; and

WHEREAS, the property located at 970 Winfield Road, PID: 034020003, is currently zoned R-5, Multiple Dwelling District; and

WHEREAS, the City received a petition submitted by Solar Star Petersburg 1, LLC, to rezone the property to M-1, Light Industrial District; and

WHEREAS, the petitioner would like to construct and operate a 5MWac solar electric generating facility (Solar Energy Facility); and

WHEREAS, the subject property totals 20.22 acres; and

WHEREAS, the City's Comprehensive Plan Future Land Use Plan designates the property as Medium and High Density Residential; and

WHEREAS, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, this is a public hearing to consider approval of the Zoning Amendments, and the public hearing was advertised, in accordance with applicable laws; and

WHEREAS, the Planning Commission during the September 1, 2022 meeting approved a resolution recommending approval of an amendment to the Comprehensive Plan Future Land Use for the area of the City that includes the property located at 970 Winfield Road, PID: 034020003, to designate the future land use as Light Industrial, and recommends approval of an amendment to the Zoning Map to designate the property located at 970 Winfield Road, PID: 034020003 as zoned M-1, Light Industrial District.

NOW THEREFORE BE IT ORDAINED that the City Council of the City of Petersburg hereby approves an amendment to the Comprehensive Plan Future Land Use for the area of the City that includes the property located at 970 Winfield Road, PID: 034020003, to designate the future land use as Light Industrial, and approves an amendment to the Zoning designation of the property located at 970 Winfield Road, PID: 034020003 from R-5, Multiple Dwelling District to M-1, Light Industrial District.



# City of Petersburg

Department of Planning and  
Community Development  
804-733-2308

135 N. Union Street, Room 304  
Petersburg, Virginia 23803  
srobinson@petersburg-va.org

## Memorandum

To: Chairwoman Tammy L. Alexander, and Members of the Planning Commission

Through: Brian Moore, Director, Economic Development, Planning and Community Development  
Reginald Tabor, Planning Manager

From: Sandra A. Robinson, Zoning Administrator

Date: August 30, 2022

Subject: 22-REZ-08; 22-SUP-01  
Community Solar Project (Construction and Operation)  
970 Winfield Road  
TP # 034020003

### I. Statement of Fact

Per Article 23, Supplementary Use Regulations, Special Uses Enumerated. Section 4. (4) Public utilities or public service uses, buildings, structures or appurtenances thereto, including limited off-street parking adjoining, or adjacent to, the property when located in a residence district; provided no business involving the repair, servicing or sale, or display of vehicles shall be conducted on such parking area; and no structures, including signs, will be erected on the parking area; and no charge will be made for parking within the premises; and the parking will be set back from the street in keeping with the existing front and side yard regulations of the residence district; The proposed solar farm and solar panel use is permitted in A, Agricultural, M-1, Light Industrial and M-2, Heavy Industrial zoning districts, pursuant to an approved Special Use Permit and per the adopted ordinance 21-ORD-68, dated 10/19/21 by the city council of the City of Petersburg, Virginia., thus the necessity to have the property rezoned to the requested zoning classification of M-1, Light Industrial District.

The planning commission shall review the plans and statements and shall not permit such buildings, structures, or uses until there has been shown that the public health, safety, morals, and general welfare will be properly protected, and that necessary safeguards will be provided for the protection of surrounding property and persons. The planning commission, in reviewing the plans and statements, shall consult with other agencies created for the promotion of public health and safety.

A public hearing has been scheduled regarding a petition submitted by Solar Star Petersburg<sup>1</sup>, LLC to rezone the property addressed as 970 Winfield Rd. Petersburg, VA 23803, Tax Parcel Identification Number: 034020003, from R-5, Multiple Dwelling District to M-1, Light Industrial District, and located on an elongated 20.22-acre parcel of land. Between the highway and the railroad. The proposed property is vacant and currently zoned R-5, Multiple Dwelling District which is not a suitable classification for the proposed use or for the construction of multifamily apartment units.

The purpose of the rezoning is to permit the use for a proposed project which is an approximately 5MWac solar electric generating facility, which will apply to be considered for the Virginia Community Solar program, increasing the renewable energy generation portfolio, and replacing fossil fuel resources in addition to obtaining the required Special Use Permit on the property to operate a Solar Farm. The purpose of the Special Use Permit is to allow the use of the proposed project as an overlay district which is only allowed with the approval of a Special Use Permit to be granted by the City Council per an amendment to the zoning ordinance reviewed by the council on

July 7, 2021, and the ordinance adopted on 10/19/21 (See attached Ordinance). The request is to add a solar farm and solar panels to approximately 5MWac solar electric generating facility, and as previously mentioned will apply to be considered for the Virginia Community Solar program, increasing the renewable energy generation portfolio, and replacing fossil fuel resources.

This request, if approved, would provide public utilities through an innovative way of providing energy by laying the panels out on the large tract of land. The R-5, zoning designation is not suited for residential development as it is surrounded by infrastructure. The property would be able to produce renewable energy for the next 25-305 years and then be returned to its current state for another use. \*\* It should be noted that a similar request was approved and adopted under 17-ORD-1 on 01/03/17 on property addressed as 950 Rear Winfield Rd.

## II. Surrounding Conditions

The subject property, and all properties immediately adjacent to the proposed, vacant site, are zoned "B-2", General Commercial District, A-Agricultural, RMH, Residential Mobile Home and R-1, Single-Family Residence District within the Myrick Acres Subdivision and to the south of the property. The surrounding business uses include convenience stores and gasoline services stations, Hardee's, auto repair establishments, National Battlefield, Hotel and sign/printing company along US Route 460 and County Drive. Access to Fort Lee Army Base, a military installation is also in the general vicinity.

## III. Findings

- A. The 2014 Comprehensive Plan designates the subject property as vacant, open space and future land use as medium/high density residential.
- B. The current "R-5, zoning district classification is no longer a viable classification by the constraints of being surrounded by infrastructure, gas line, railroad, setback off the road and surrounded by a multitude of trees and vegetation, city water and sewer plants.
- C. The proposed project will create temporary jobs for the duration of construction. After construction, the Project will be visited by TotalEnergies or TotalEnergies agents as needed for maintenance purposes.
- D. It is not believed that the proposed location will be visible from any public road and the site is separated from the nearest residential neighborhood by I-95 Interstate Highway and rail lines.
- E. There will not be noise emissions from the equipment and if there are, it's expected to be low, and no change in noise is expected at the property boundaries.
- F. Applicant anticipates construction to commence in 2024 with an in-service date of 2025. No construction will occur during nighttime hours; the site may be monitored for security purposes during these times. Visit will be intermittent for maintenance or repair. Parking within the site will be for maintenance vehicles, as needed. No pavement within the project site.
- G. Should the applicant(s) receive a favorable approval from the City Council with respect to their application. The applicant shall be required to submit for review and approval a site plan showing the building/structures location, parking, lighting, signage, and landscaping to be review by the DRT (Development Review Team) prior to the submission of a building permit application. (See Rendering attached to the application)

## IV. Statement of Law

See the attached ordinance adopted by the City Council of the city of Petersburg, Virginia on 10/19/21

## V. Recommendation

The Department of Planning & Community Development will withhold its recommendation until after the public hearing and the presentation by the petitioner(s).

## VI. Exhibits

- 1) Tax Parcel Map Extract
- 2) Zoning Map Extract
- 3) Tax Assessor File Record



- 4) Applicants Petition w/Exhibits
- 5) Reference Information/Questions



## City of Petersburg Planning Commission Agenda Item

Case No: 22-REZ-08  
 Public Hearing Date: September 1, 2022  
 Property Address: 970 Winfield Road  
 Agent: Solar Star Petersburg1, LLC

### Request

Rezoning

### Staff Recommendation

Approve

### Summary of Proposal

This is a request to rezone the property located at 970 Winfield Road from R-5, Multiple Dwelling District to M-1, Light Industrial District to permit the development of an approximately 5MWac solar electric generating facility.

### Parcel ID

034020003

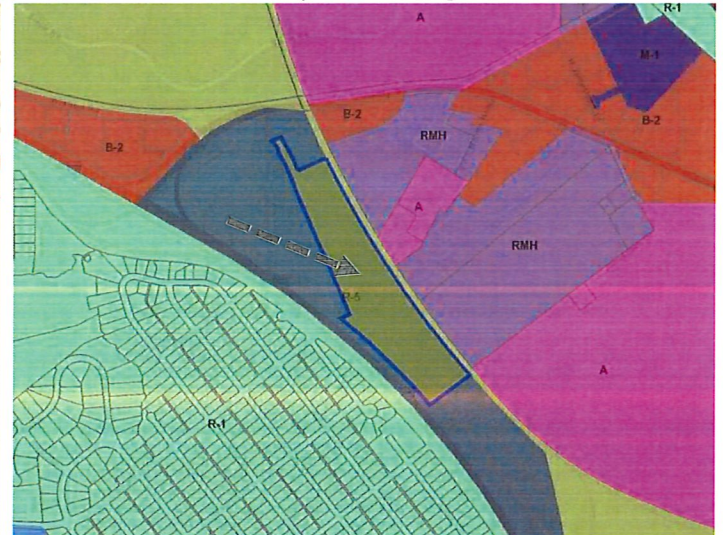
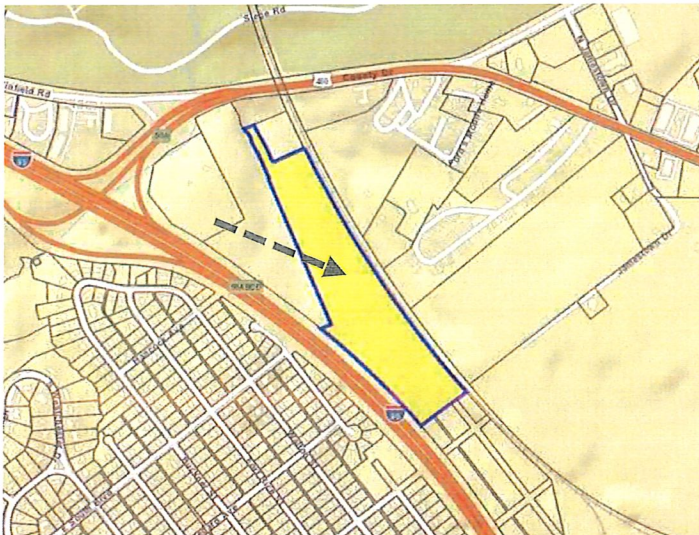
### Acreage

20.22 Acres

### Current Zoning Designation

R-5

Multiple Dwelling District



### Photo

Adjacent Land Use: Open Space, I-95, Railroad

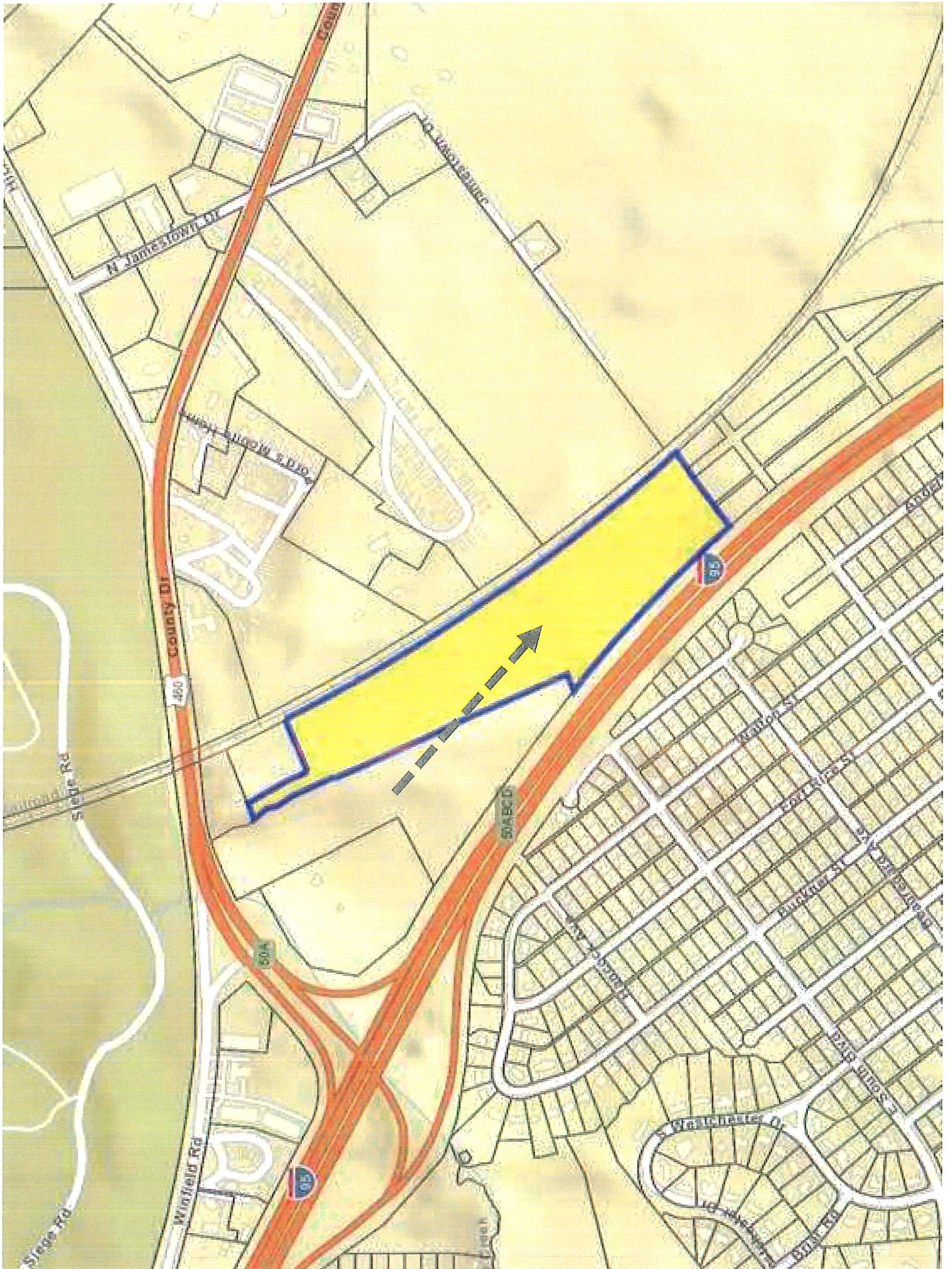


### Comprehensive Plan Designation

Future Land Use: Medium/High Density Residential







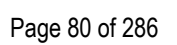




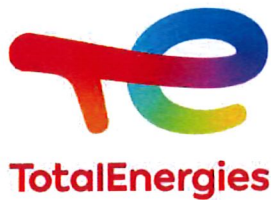












## TotalEnergies Renewables

### Winfield Rd Community Solar Project

Mr. Reginald Tabor  
City of Petersburg Department  
of Planning and Community  
Development  
135 N Union Street  
Petersburg, VA 23803

Subject: Winfield Rd Community Solar Project – Petition for Rezoning and Special Use Permit

August 4, 2022

Dear Mr. Tabor,

TotalEnergies is submitting a Petition for Rezoning and Special Use Permit for a Community Solar project located on parcel of land approximately 20.22 acres in size (see Appendix A - Zoning Map). The Project parcel is located at 970 Winfield Rd, Petersburg, VA and is the elongated parcel in between the highway and the railroad (see Appendix B - Property Profile).

The proposed Project is an approximately 5MWac solar electric generating facility located on a portion of land that is not currently in use. The parcel is currently zoned as R-5, but it is not ideally suited for residential homes since it is surrounded by infrastructure. We are submitting a petition to rezone the parcel to M-1 so that this solar project can be installed on the property (see Appendix C - Plat).

### Project Details

#### Site Access

The Project area is bound on the west by Highway 95 and a gas pipeline, on the north by Winfield Road and City parcels, and on the east and south by the railroad. Access will be through a new access driveway which will be built off Winfield Road to directly access the Project, as shown on the Project Site Plan (see Appendix D). This access road will be 12 feet in width constructed of compacted native material and run around the solar panels, with a locked entrance swing-gate. For public safety and security purposes, the Project will be enclosed by a chain link security fence 6 feet in height with an additional 1 foot of barbed wire on the top.

#### Hours and Days of Operation

The solar generating station operates constantly when the sun is shining.

#### Number of Employees

During construction, temporary jobs will be created for the duration of construction. After construction, the Project will be visited by TotalEnergies or TotalEnergies agents as needed for maintenance purposes.

#### Anticipated Traffic/Cientele

Existing daily traffic volume in the vicinity of the project site is minimal. A temporary increase in traffic will occur during construction. When the Project is operational, it is anticipated that traffic will diminish and be similar to the pre-construction levels.

#### Schedule of Expected Development

Construction of the Project is expected to begin in 2024 with an in-service date of 2025.

No construction will occur during nighttime hours; however, the site may be monitored for security purposes during these times. Once construction is complete, utility personnel using pick-up trucks may periodically visit the facility. Visits will be intermittent for maintenance or repair. Parking within the fenced site will be for maintenance vehicles, as needed. These vehicles will be parked adjacent to the equipment where authorized personnel will be working. There is no paving within the project site.

### Potential Impacts

#### Utilities

No septic/sewer, water lines, or gas lines are needed.

#### Drainage

TotalEnergies will grade the site as needed and appropriate drainage will be implemented, as required by Valencia County.

#### Potential Traffic Impacts

During construction, traffic to the Project site will temporarily increase as vehicles hauling equipment and supplies and worker's vehicles access the site. After construction is complete and the Project becomes operational, approximately one vehicle will access the Project as needed for maintenance, likely once or twice a year.

#### Potential Quality of Life Impacts

The Project would not create health effects, noise, or odors. The electric power generation industry is a major contributor to our quality of life in the United States. Reliable electric service is essential to modern living and improves everyone's quality of life. In addition, safe, reliable electric power is a cornerstone of community growth and economic development. It is important to the health, welfare, and safety of its citizens.

TotalEnergies will comply with current applicable City of Petersburg codes and regulations. The Project will promote the use of underutilized land by locating on an undeveloped portion of an existing parcel of land. The Project will help diversify energy production and diversify the local economy by providing customers in the City of Petersburg with renewable energy through the Virginia Community Solar Program. The Project is not located on agricultural land thereby protecting agricultural resources in the county.

In summary, this project is necessary to increase TotalEnergies' renewable generation portfolio and offset fossil fuel resources. If you have any questions or need any additional information, please feel free to contact the Project Developer, Alyssa Smith, at [alyssa.smith@totalenergies.com](mailto:alyssa.smith@totalenergies.com) or (617) 777-4912.

Sincerely,

### Solar Star Petersburg 1, LLC

By: TotalEnergies Distributed Generation Assets USA, LLC, its sole owner

By: TotalEnergies Distributed Generation USA, LLC, its sole owner

DocuSigned by:

*Frederic A Potts III*

5ED7E1412BFC442...

Name: Frederic A. Potts, III

Title: President and CEO

Date: August 3, 2022

[Appendix A – Zoning Map](#)

[Appendix B – Property Profile](#)

[Appendix C – Plat](#)

[Appendix D – Site Plan](#)



# **PETITION FOR REZONING OR SPECIAL USE PERMIT**

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

CASE NUMBER: \_\_\_\_\_

APPLICANT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

I, Solar Star Petersburg 1, LLC hereby petition to rezone the following described properties  
from zoning district R-5 to zoning district M-1

## **A. DESCRIPTION OF PROPOSED USE: (ATTACH ADDITIONAL DOCUMENTS IF NECESSARY)**

The proposed Project is an approximately 5MWac solar electric generating facility. The Project will  
apply to be considered for the Virginia Community Solar program, increasing the renewable energy  
generation portfolio and replacing fossil fuel resources.

## **B. PROPERTY INFORMATION**

### **1. Tax Parcel Identification Number(s):**

034020003

### **2. Current Street Address(es) if assigned:**

970 Winfield Rd, Petersburg, VA 23803

### **3. Approximate Area:**

sq. ft.

20.22

acres

### **4. Public Street Frontage:**

0

ft.

### **5. A boundary plat of this property outlining the area to be rezoned must be attached to this petition.**

### **6. The following deed restrictions may affect the use of this property:**

N/A

### **7. Brief:**

Said deed restrictions will expire on: N/A

**C. JUSTIFICATION FOR REZONING**

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

The project parcel is currently zoned as R-5, likely because multi-family housing was proposed for the property, but that no longer seems viable. The parcel is surrounded by infrastructure that is not ideal to have located next to residential homes but makes solar the ideal use for this parcel. The property would be able to produce renewable energy for the next 25-35 years and then be returned to its current state for another use.

- 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).**

The project parcel is surrounded by constraints, including a highway and gas pipeline on the western edge, Winfield Road and City parcels on the northern edge, and a railroad on the eastern and southern edges. Due to these development constraints, a solar project is the ideal use for this parcel. The parcel is also set back from Winfield Road and surrounded by trees/vegetation, so it will likely not be visible from the road.

- 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).**

This solar project will apply to be considered for the Community Solar program in Virginia, increasing the renewable energy generation portfolio and replacing fossil fuel resources. With the project enrolled in the Community Solar program, it will bring more affordable and renewable energy to the City of Petersburg.

- 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).**

The project parcel is currently zoned as R-5, multi-family residential. However, the property is surrounded by developmental constraints and infrastructure that would not be ideal for location next to residential homes, including a highway, gas pipeline, City water/sewer plants, and a railroad. Due to these reasons, a solar project would be an ideal use for this parcel.



**D. CERTIFICATION:**

The undersigned applicant certifies that they:

\_\_\_\_\_ (a) are the owner, lessee or agent for (specified in writing)

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

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

**Signed:** \_\_\_\_\_ Solar Star Petersburg 1, LLC (TotalEnergies Renewables)

**Mailing Address:** \_\_\_\_\_ 1414 Harbour Way South

\_\_\_\_\_ Richmond, CA 94804

**Phone Number:** \_\_\_\_\_ (510) 540-0550

**Email Address:** \_\_\_\_\_ alyssa.smith@totalenergies.com (Alyssa Smith, Project Developer)

**APPROVED**

\_\_\_\_\_  
**City Attorney**

**TO BE FILED IN THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

**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)

---

3L PROPERTIES LLC

934 WINFIELD RD Petersburg VA

CITY OF PETERSBURG

960 COUNTY DR Petersburg VA

CITY OF PETERSBURG

950 WINFIELD RD Petersburg VA

VIRGINIA CRAFTSMAN PROPERTIES

2134 ELLIOTT ST Petersburg VA

VIRGINIA CRAFTSMEN PROPERTIES

2135 ELLIOTT ST Petersburg VA

---

HIGHWAY INTERSTATE 95

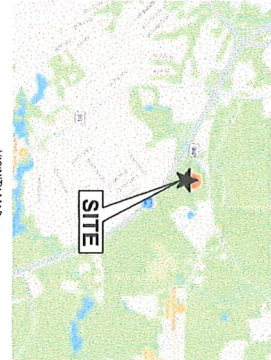
None provided on online GIS map

RAILROAD

None provided on online GIS map



## **Appendix A – Zoning Map**



SETBACKS FROM PROPERTY LINE			
FRONT YARD	SIDE YARD	NUMBER OF SIDE YARD	REAR YARD
3 FT	10 FT	2	10 FT

1. 104 MPH WIND ZONE RACE 2, 161 DISPOSABLE C
2. 104 MPH WIND ZONE RACE 2, 161 DISPOSABLE C
3. 104 MPH WIND ZONE RACE 2, 161 DISPOSABLE C
4. ALL TREES WITHIN 40' OF BOUNDARY AND THOSE WHICH WILL SHADE THE
5. MINIMUM TRAIL HEIGHT FROM GRADE: 7'
6. MINIMUM TRAIL HEIGHT FROM GRADE: 7'
7. MINIMUM TRAIL HEIGHT FROM GRADE: 7'
8. NUMBER OF OVERHEAD POLES: 4
9. POLE-TO-POLE DISTANCE: 50'
10. SEPARATE FROM THE PROPERTY LINE AS PER M.T. LIGHT INDUSTRIAL
11. SEPARATE FROM THE PROPERTY LINE AS PER M.T. LIGHT INDUSTRIAL
12. PARCELS 03400003
13. OWNER VIRGINIA CASHMANS PROPERTIES
14. PROPERTY USE: 300 MULTI-FAMILY VACANT
15. ZONING: ZONING B R.S. PROPOSED ZONING: S-M-1
16. LAND USE: PROPOSED B SOLAR PRODUCT.

The diagram shows a horizontal line representing a transmission line. Above the line, from left to right, are a blue rectangle, a pink rectangle, and a red rectangle labeled 'AC<sub>1</sub>'. Below the line, from left to right, are a yellow line labeled 'AC CONDUITS (SPR/SBB)', a purple line labeled 'DC CONDUITS (CB-ANV)', a yellow line labeled 'EXISTING OVERHEAD LINE', a blue line labeled 'NEW OVERHEAD LINE', a yellow line labeled 'EXISTING UTILITY POLE', a blue line labeled 'NEW UTILITY POLE', a black line labeled 'SETBACK FROM PROPERTY LINE', and a black line labeled 'SETBACK FROM RAILROAD'. A vertical dashed line is positioned between the 'NEW UTILITY POLE' and the first 'SETBACK' line.

BLOCK	# MODULE	RETURNING	ENV (DO)	36 IN/OUT CB (W/ 16 STR)	HEATK	ACT SIZE (KW)	TIT (°)	GER	CS AZIMUTH (°)	SPVR AZIMUTH (°)	DC RGN (°/MIN)
1	45/56	176	2727.04	11	1	19.0	0.65	180	0	215, 115, 70, 35, 95, 135, 220, 280, 330, 525	
2	68/90	265	3720.6	16	1	28.65	0.65	180	0	665, 480, 335, 230, 145, 50, 65, 105, 205, 255, 210, 675, 305, 355, 405, 545	
TOTAL	114/66	441	6191.64	27	2	477.0					

1 ARRAY LAYOUT  
SCALE: 1/128" = 1'-0"

PROJECT SUMMARY	GFT
TOTAL # OF MODULE	11666
STRING LENGTH	26
MODULE TYPE	3RD PARTY 540W
# OF HEAVY WIRETER	2
DC SYSTEM SIZE (KW)	6191.64
AC SYSTEM SIZE (KW)	4755.0

THE PROPOSED ARRAY LAYOUT SHOWN IS DESIGNATED TO FIT EXISTING CONDITIONS AS THEY ARE DESCRIBED ON THE DRAWING. LAYOUT AND CONDITIONS ARE SUBJECT TO CHANGE BASED ON SUPPLIER VARIATION OF

REVISIONS			
DESCRIPTION	DATE	DB	CR
PROPOSAL	07-18-92	DO	TA
SITE NEW INFORMATION	07-29-92	DO	TA

SUNPOWER COMMUNITY SOLAR DEVELOPMENT  
WINFIELD RD DEV

## ARRAY LAYOUT

A11



**City of Petersburg  
Zoning**

The map displays the City of Petersburg, Virginia, with various zoning districts labeled. A specific area is highlighted in red, located in the central part of the city. The map includes a north arrow, a scale bar (0.25 to 0.5 miles), and the City of Petersburg logo. The map also shows the James River and surrounding areas.



## **Appendix B – Property Profile**

# Petersburg, Virginia

Parcel: 034020003

## Summary

Owner Name	VIRGINIA CRAFTSMEN PROPERTIES	National Historic District:	
Owner Mailing Address	2412 MT BLANCO RD CHESTER, VA 23836	Enterprise Zone:	
Property Use	300	Opportunity Zone:	51730811200
State Class:	3 Multi Family	VA Senate District:	16
Zoning:	R-5	Va House District:	63
Property Address	970 WINFIELD RD Petersburg, VA	Congressional District:	4
Legal Acreage:	20.22	City Ward:	1
Legal Description:	PT TRACT 1 PUGH PLAT20.22 ACRES	Polling Place:	Blandford Academy
Subdivision:	Pugh	Primary Service Area:	
Assessment Neighborhood Name:		Census Tract:	8112
Local Historic District:		Elementary School:	Lakemont
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

## Improvements

Finished (Above Grade):		Shed:	
Basement:		Total Rooms:	
Attached Garage:		Bedrooms:	
Detached Garage:		Full Baths:	
Enclosed Porch:		Half Baths:	
Open Porch:		Foundation:	
Deck/Patio:		Central A/C:	0%

## Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
	5/12/2006	\$291,500	2006/2304

## Assessments

Valuation as of	01/01/2018	01/01/2019	01/01/2020	01/01/2021	01/01/2022
Effective for Billing:	07/01/2018	07/01/2019	07/01/2020	07/01/2021	07/01/2022
Reassessment					
Land Value	\$354,300	\$354,300	\$354,300	\$354,300	\$361,400
Improvement Value	\$	\$	\$	\$	\$
Total Value	\$354,300	\$354,300	\$354,300	\$354,300	\$361,400

## Property Tax (Coming Soon)

DISCLAIMER: This data is provided without warranty of any kind, either expressed or implied, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Any person, firm or corporation which uses this map or any of the enclosed information assumes all risk for the inaccuracy thereof. as County of Petersburg expressly disclaims any liability for loss or damage arising from the use of said information by any third party.



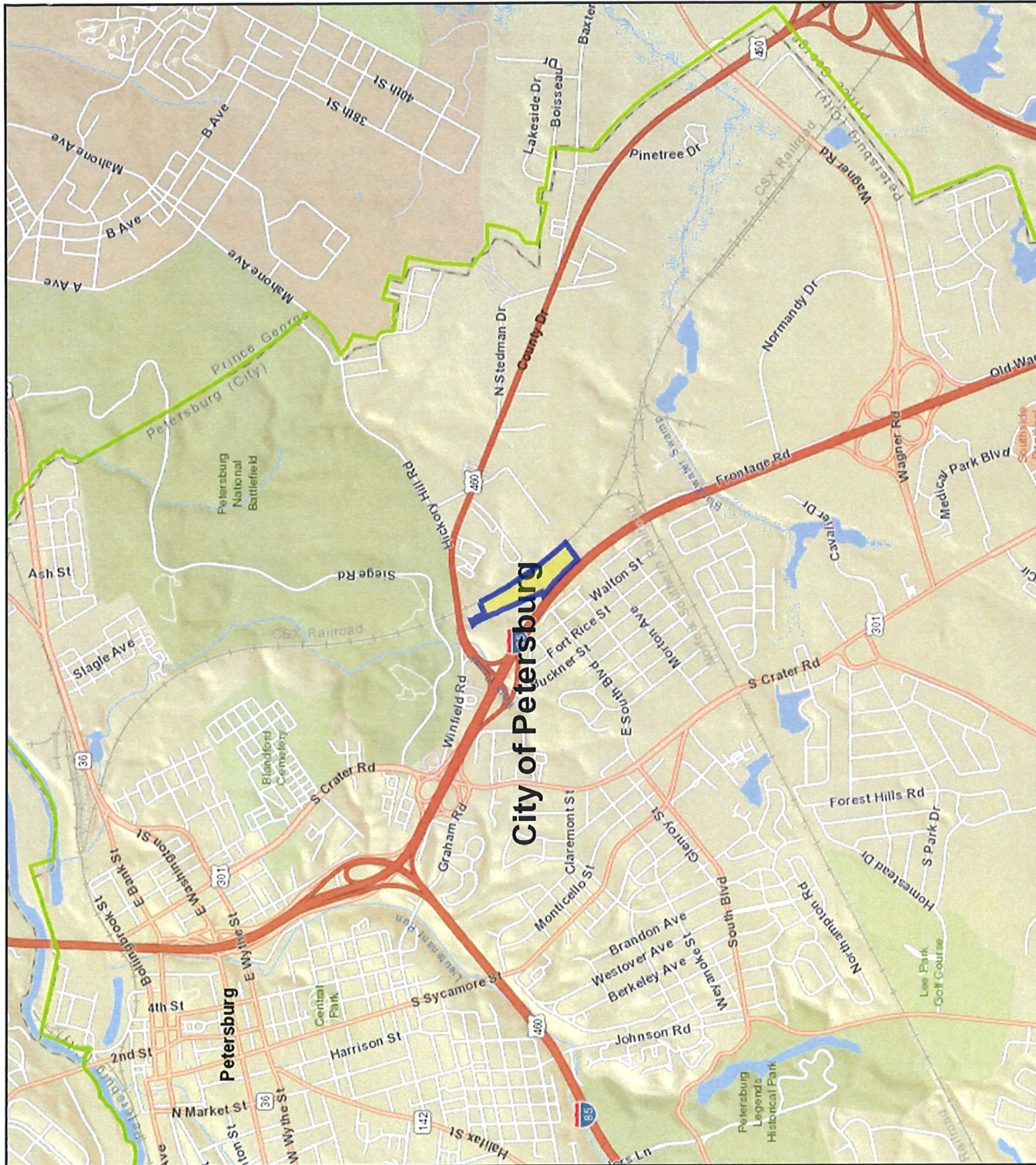
# Petersburg, Virginia

## Legend

County Boundaries

Feet

0 800 1600 2400 3200  
1:36,112 / 1"=3,009 Feet



Parcel #: 034020003

Date: 8/2/2022

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and City of Petersburg is not responsible for its accuracy or how current it may be.



## Appendix C – Plat

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

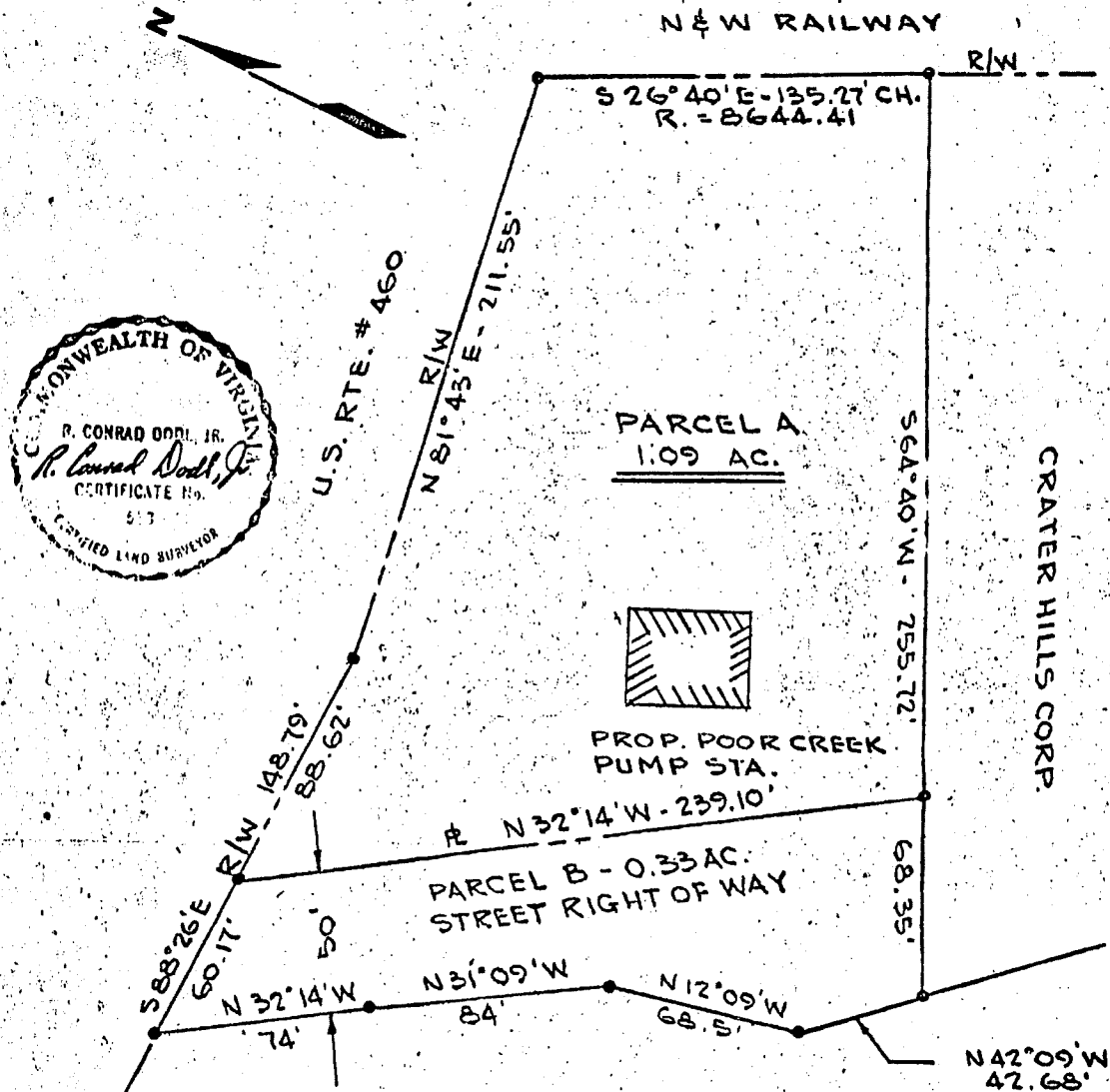
50

J. N. Britschett  
30 53rd St  
Crater Hills C  
Died Brook 264





OWNER: CRATER HILLS CORPORATION  
DEED BOOK: PAGE:



• - DENOTES I.P.

PLAT SHOWING LOCATION OF PROPERTY TO BE ACQUIRED

FROM CRATER HILLS CORPORATION

BY THE CITY OF PETERSBURG, VA.

IN THE CITY OF PETERSBURG, VIRGINIA

SCALE: 1" = 50'

DATE: OCT. 10, 1973

COMM. NO. 0222

WILEY & WILSON INC.  
ENGINEERS · ARCHITECTS · PLANNERS  
LYNCHBURG, VIRGINIA

REVISED - 12/10/73  
R CHANGED

Delivered to  
Walter Parrish,  
City Hall, City.  
5-1-74

VIRGINIA: In the Clerk's Office of the Circuit Court of  
the City of Petersburg. April 12th 1974  
The foregoing Instrument was this day lodged in said  
office and, with the certificate & Plat annexed,  
admitted to record at 1:15 P.M.

Test: *Anna M. Bailey*



# City of Petersburg Planning Commission

## Report

**DATE:** July 7, 2021

**TO:** Planning Commission

**FROM:** Reginald Tabor, Director, Department of Planning and Community Development  
Clay Mansell, Economic Development Fellow, Economic Development

**Re:** Solar Farms and Solar Panels

---

**PURPOSE:** To provide an update on recently adopted legislation regarding Solar Farms and Solar Panels.

**RECOMMENDATION:** It is recommended that the Planning Commission review the Report information.

### **BACKGROUND:**

#### **Solar Farms**

Renewable energy, such as solar energy, has been getting a lot of attention lately as the problems of climate change become more evident. As of 2020, renewable energy accounted for 12% of U.S. primary energy consumption. Solar accounts for 11% of that 12%, 1.32% of U.S. primary energy consumption. Solar power has the benefit of not producing air pollutants and solar energy systems have a minimal impact on the environment ("Renewable energy explained").

In Virginia, clean energy has gotten a spotlight in the form of the Virginia Clean Economy Act. Signed by Governor Northam, this plan aims to transition Virginia's electric grid to 100% clean energy by 2050. A specific part of this plan is to expand access to solar rooftop panels. With the increased attention and resources provided towards ensuring access to solar power options, it is important to provide in the Zoning Ordinance where these panels, small rooftop panels or large solar farms, should be allowed.

Solar Panels, Small should be understood to be defined as small solar panels that are affixed to a pre-existing structure, commonly a rooftop. They are primarily utilized for non-commercial/industrial solar energy harvesting to supplement pre-existing energy sources.

Solar Farms should be understood to be defined as large solar panels that are typically standalone structures designed to harvest solar energy in large, industrial quantities as a primary energy source.

#### **Proposed Zoning Ordinance Language – Definitions**

*Solar Panel, Small.* Non-commercial/industrial solar energy harvesting equipment designed to be affixed to a pre-existing structure to supplement a primary energy source.

*Solar Farm.* Commercial/Industrial solar energy harvesting equipment designed to function as standalone structures to provide solar energy as a primary source of electric energy.

#### **General Provisions**

*Solar panels, Small* are permitted in all zoning districts and must conform to any current or future laws and regulations regarding electrical energy harvesting, storage, and distribution. If the proposed location is within a historic district, they are subject to review by the Architectural Review Board. All solar facilities must comply with Code of Virginia Title 15.2, Chapter 22, Article 7, § 15.2-2288.7.

*Solar Farms* are permitted in R-5, B-2, M-1, M-2, pursuant to a Special Use permit. Must confirm any current or future laws and regulations regarding electrical energy harvesting, storage, and distribution. May be prohibited in historic districts pursuant to the actions of any architectural review boards or committees. All solar facilities must comply with Code of Virginia Title 15.2, Chapter 22, Article 7, § 15.2-2288.7.

STAFF: Reginald Tabor, Director, Planning and Community Development  
Clay Mansell, Economic Development Fellow, Economic Development



Adjacent Property owners – 970 Winfield Road

TP# 034020003 Solar Star Farm Facility R-5/M-1 (20.22 Acres)

TP# 034020001 – 3L Properties LLC PO BOX 367, McKenney, VA 23872; 934 Winfield Road Petersburg, VA. 23803 (6.772 acres) R-5, Multiple Dwelling District.

TP# 041010001 – Jerry W. Collins, 928 Winfield Rd. Petersburg, VA 23803; (same address) 8 acres; R-5, Multiple Dwelling District. (Improved)

TP# 034030002 – Racetrac Petroleum Inc, PO BOX 2437 Smyrna, GA 30081; 2058 County Dr. Petersburg, Virginia 23803 (4.207 Acres) B-2, General Commercial District (Gas Station/Convenience Store)

TP# 034030003 – Shodon, PO BOX 50, Gwynn, VA 23066-0050; 2120 County Drive Petersburg, VA 23803 (14.08 Acres) RHM (Residential Mobil Home Park)

TP# 041020800 – Ford Alva B Sr ET ALS, 2118 County Dr. (REA) Petersburg, VA 23803; 2070 County Drive Petersburg, VA 23803; A-Agricultural (2.283 Acres)

TP# 041020001 – Ford, Kelly Renee, 2060 County Dr., Petersburg, VA. 23803 (same address) 4.452 Acres.

TP# 035030003 – Shodon, PO BOX 50, Gwynn, VA 23066-0050; 2178 County Drive Petersburg, VA 23803 (14 Acres) RHM (Residential Mobil Home Park) (3 Parcels)

TP# 034020002 – City of Petersburg, 135 N. Union Street, Petersburg, Virginia 23803; 950 Winfield Rd. Petersburg, VA., 23803 (1.091 Acres)



# City of Petersburg

Department of Planning and  
Community Development  
804-733-2308

135 N. Union Street, Room 304  
Petersburg, Virginia 23803  
srobinson@petersburg-va.org

August 23, 2022

## 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:

Notice is hereby given to all interested persons the City of Petersburg Planning Commission will hold public hearings on Thursday, September 1, 2022, beginning at 6:30 p.m. in the Petersburg Public Library located at 201 W. Washington Street, Petersburg, Virginia 23803.

**22-REZ-08:** A petition submitted by Solar Star Petersburg1, LLC to rezone the property addressed as 970 Winfield Rd. Petersburg, VA 23803, Tax Parcel Identification Number: 034020003, from R-5, Multiple Dwelling District to M-1, Light Industrial District. The purpose of the rezoning is to permit the use for a proposed project which is approximately 5MWac solar electric generating facility, which will apply to be considered for the Virginia Community Solar program, increasing the renewable energy generation portfolio, and replacing fossil fuel resources.

**22-SUP-01:** A petition submitted by Solar Star Petersburg 1, LLC to obtain a Special Use Permit on property addressed as 970 Winfield Rd. Petersburg, VA 23803, Tax Parcel Identification Number: 034020003, to operate a Solar Farm. The purpose of the Special Use Permit is to permit the use for a proposed project which is approximately 5MWac solar electric generating facility, which will apply to be considered for the Virginia Community Solar program, increasing the renewable energy generation portfolio, and replacing fossil fuel resources.

All interested persons shall have the opportunity to be heard at said public hearing or may call or email the Department of Planning at: [pcd@petersburg-va.org](mailto:pcd@petersburg-va.org)

A copy of the related material may be examined in the Department of Planning & Community Development in City Hall Room 304, telephone (804)733-2308. The Planning Dept. is open from 8:30am to 5:00pm, Monday - Friday.





**AN ORDINANCE APPROVING AMENDMENTS TO THE TEXT OF THE CITY'S ZONING ORDINANCE REGARDING SOLAR PANELS AND SOLAR FARMS.**

WHEREAS, The City of Petersburg has received requests for land uses that include the installation of Solar Panels on structures and for the establishment; and

WHEREAS, as of 2020, renewable energy account for 12% of U.S. primary energy consumption. Solar accounts for 11% of that 12%, 1.32% of U.S. primary energy consumption. Solar power has the benefit of not producing air pollutants and solar energy systems have a minimal impact on the environment ("Renewable energy explained."); and

WHEREAS, the Virginia Clean Economy Act was approved by the legislature and signed by Governor Northam in April of 2020. This legislative action establishes a plan that aims to transition Virginia's electric grid to 100% clean energy by 2050. A specific part of this plan is to expand access to solar rooftop panels. With the increased attention and resources provided towards ensuring access to solar power options, it is important to provide in the Zoning Ordinance where these panels, small rooftop panels or large solar farms, should be allowed.; and

WHEREAS, Solar Panels, Small are small solar panels that are affixed to a pre-existing structure, commonly a rooftop, and primarily utilized for non-commercial/industrial solar energy harvesting to supplement pre-existing energy sources; and

WHEREAS, solar farms are large solar panels that are typically standalone structures designed to harvest solar energy in large, industrial quantities as a primary energy source; and

WHEREAS, currently there are no definitions in the City's Zoning Ordinance regarding the uses; and

WHEREAS, this is a proposed amendment to Article 3 section 1 of the Petersburg Zoning Ordinance "definitions" to add:

Solar Panel, Small. Non-commercial/industrial solar energy harvesting equipment designed to be affixed to a pre-existing structure to supplement a primary energy source. The use is permitted in all zoning districts and must conform to any current or future laws and regulations regarding electrical energy harvesting, storage, and distribution. If the proposed location is within a historic district, the use is subject to review by the Architectural Review Board. All solar facilities must comply with Code of Virginia Title 15.2, Chapter 22, Article 7, §15.2-2288.7.

Solar Farm. Commercial/Industrial solar energy harvesting equipment designed to function as standalone structures to provide solar energy as a primary source of electric energy.

The use is permitted in A, M-1, and M-2 Zoning Districts, pursuant to an approved Special Use Permit and must conform to any current or future laws and regulations regarding electrical energy harvesting, storage, and distribution. If the proposed location is within a historic district, the use is subject to review by the Architectural Review Board. All solar facilities must comply with Code of Virginia Title 15.2, Chapter 22, Article 7, §15.2-2288.7; and

WHEREAS, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, this is a public hearing to consider approval of the Zoning Ordinance Text Amendments, and the public hearing was advertised, in accordance with applicable laws.

NOW, THEREFORE BE IT ORDAINED, that the City Council of the City of Petersburg hereby approves the Zoning Ordinance Text Amendments.

Ordinance 21-010-68  
adopted by the City of Petersburg Council  
of the City of Petersburg on:  
10/19/2021

  
Clerk of City Council

  
Mayor





**AN ORDINANCE APPROVING A SPECIAL USE PERMIT  
HAVE A SOLAR POWER GENERATION FACILITY AT  
950 (REAR) WINFIELD ROAD, 2134, 2135 AND 2304  
ELLIOTT STREET, T.P. 304-02-0003, 041-04-0001, 041-03-  
0001 AND 057-01-0001, WITH CONDITIONS.**

**WHEREAS**, upon the Petition of Glen Zhou, for a Special Use Permit to have a solar power generation facility; and

**WHEREAS**, upon receipt of a recommendation by the Planning Commission of the City of Petersburg; and

**WHEREAS**, the City Council of the City of Petersburg is of the opinion that a Special Use Permit should be granted on the following property:

That certain parcel, 950 (rear) Winfield Road, 2134, 2135 and 2134 Elliott Street, and further identified as Tax Parcel 034-02-0003, 040-04-0001, 041-03-0001, 057-01-0001.

**NOW, THEREFORE BE IT ORDAINED**, by the City Council of the City of Petersburg, a Special Use Permit is hereby granted to Glen Zhou to have a solar power generation facility, with the following conditions as set forth on the attached:

**Recommendation:**

Staff recommends the following conditions:

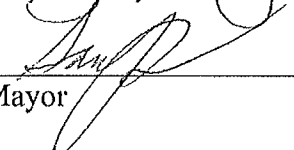
1. Prior to development of the site, a site plan must be approved.
2. The site must meet all the Department of Public Works requirements with respect to access to the site.
3. The size of the use shall not exceed 28 acres.
4. The property shall be maintained in a neat and orderly manner so that the visual appearance from the interstate and adjacent properties is acceptable to City officials.
5. Maintain existing vegetation to buffer the use from adjacent property.
6. The Development Review Team, outside of any complaints, shall have the right to conduct inspections of the property any time to verify compliance with these conditions.
7. Any noise generated by the activity on this site shall be limited to the maximum decibel level allowed by City Code.
8. All Panels, equipment and/or structures associated with the utility use shall be removed from the property within 120 days upon abandonment of the use.
9. All solar panels are to be disposed of according to the laws governing in the State of Virginia. All disposition cost shall be the responsibility of the owner.
10. City Council has the authority to revoke a Special Use Permit if the property owner violate the conditions of the Special Use Permit.

Staff recommends approval of the request for a special use permit to allow for a utility (solar farm) with the 10 conditions.



Ordinance 17-Ord-1  
adopted by the City of Petersburg Council  
of the City of Petersburg on:  
1/3/2017

  
Clerk of City Council

  
Mayor



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** October 4, 2022

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** March Altman, Jr., City Manager  
Tangela Innis, Deputy City Manager  
Brian Moore, Director of Economic Development

**FROM:** Reginald Tabor

**RE:** A request to schedule a public hearing and consideration of an ordinance approving a petition for a Special Use Permit to operate a solar electric generating facility on the property located at 970 Winfield Road for October 18, 2022, Regular City Council Meeting. (Page 109)

---

**PURPOSE:** To schedule a Public Hearing on October 18, 2022 and consideration of an Ordinance regarding a petition for a Special Use Permit to operate a solar electric generating facility on the property located at 970 Winfield Road.

**REASON:** To comply with applicable procedures and laws regarding Special Use Permit approval.

**RECOMMENDATION:** It is recommended that the City Council schedules a Public Hearing and consideration of an Ordinance regarding a petition for a Special Use Permit for the property located at 970 Winfield Road to permit the use of a solar electric generating facility.

**BACKGROUND:** The City of Petersburg Zoning Ordinance establishes procedures for approving Special Use Permits.

The property located at 970 Winfield Road, PID: 034020003, is currently zoned R-5, Multiple Dwelling District, and the City received a petition submitted by Solar Star Petersburg 1, LLC, to rezone the property to M-1, Light Industrial District and a Special Use Permit to construct and operate a 5MWac solar electric generating facility (Solar Energy Facility), as required in the City's Zoning Ordinance.

The subject property totals 20.22 acres.

Pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, this is a public hearing to consider approval of the Zoning Amendments, and the public hearing was advertised, in accordance with

applicable laws.

The Planning Commission approved a resolution during the September 1, 2022 meeting to recommend approval of a Special Use Permit for the property located at 970 Winfield Road, PID: 034020003, to construct and operate a 5MWac solar electric generating facility (Solar Energy Facility), as required in the City's Zoning Ordinance.

The City Council adopted 17-Ord-1 adopted 1/3/17, approving a petition submitted by a different petitioner for the same use for the property.

**COST TO CITY:** N/A

**BUDGETED ITEM:** N/A

**REVENUE TO CITY:** Revenue from the development and use of the property.

**CITY COUNCIL HEARING DATE:** 10/18/2022

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:** N/A

**AFFECTED AGENCIES:** Economic Development, Planning and Community Development

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:** 17-Ord-1 adopted 1/3/17

**REQUIRED CHANGES TO WORK PROGRAMS:** N/A

**ATTACHMENTS:**

1. 1004\_2022OrdinanceSUP970WinfieldRd
2. 0901\_2022CaseReport970WinfieldRd



**AN ORDINANCE APPROVING A PETITION FOR A SPECIAL USE PERMIT FOR THE PROPERTY LOCATED AT 970 WINFIELD ROAD TO PERMIT A SOLAR ENERGY FACILITY**

WHEREAS, the City of Petersburg Zoning Ordinance establishes zoning districts and permitted uses within each district and Special Use Permits; and

WHEREAS, the property located at 970 Winfield Road, PID: 034020003, is currently zoned R-5, Multiple Dwelling District; and

WHEREAS, the City received a petition submitted by Solar Star Petersburg 1, LLC, for a Special Use Permit to construct and operate a 5MWac solar electric generating facility (Solar Energy Facility), as required in the Zoning Ordinance; and

WHEREAS, the subject property totals 20.22 acres; and

WHEREAS, the City's Comprehensive Plan Future Land Use Plan designates the property as Medium and High Density Residential; and

WHEREAS, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, this is a public hearing to consider approval of the Zoning Amendments, and the public hearing was advertised, in accordance with applicable laws; and

WHEREAS, the Planning Commission approved a resolution recommending approval of a Special Use Permit to construct and operate a Solar electric generating facility on the property located at 970 Winfield Road, PID: 034020003, pending approval of the rezoning of the property to M-1, Light Industrial District.

WHEREAS, the City Council adopted 17-Ord-1 adopted 1/3/17, approving a petition submitted by a different petitioner for the same use for the property.

NOW THEREFORE BE IT ORDAINED that the City Council of the City of Petersburg hereby approves the Special Use Permit to construct and operate a Solar electric generating facility on the property located at 970 Winfield Road, PID: 034020003, pending approval of the rezoning of the property to M-1, Light Industrial District.



# City of Petersburg

Department of Planning and  
Community Development  
804-733-2308

135 N. Union Street, Room 304  
Petersburg, Virginia 23803  
srobinson@petersburg-va.org

## Memorandum

To: Chairwoman Tammy L. Alexander, and Members of the Planning Commission

Through: Brian Moore, Director, Economic Development, Planning and Community Development  
Reginald Tabor, Planning Manager

From: Sandra A. Robinson, Zoning Administrator

Date: August 30, 2022

Subject: 22-REZ-08; 22-SUP-01  
Community Solar Project (Construction and Operation)  
970 Winfield Road  
TP # 034020003

### I. Statement of Fact

Per Article 23, Supplementary Use Regulations, Special Uses Enumerated. Section 4. (4) Public utilities or public service uses, buildings, structures or appurtenances thereto, including limited off-street parking adjoining, or adjacent to, the property when located in a residence district; provided no business involving the repair, servicing or sale, or display of vehicles shall be conducted on such parking area; and no structures, including signs, will be erected on the parking area; and no charge will be made for parking within the premises; and the parking will be set back from the street in keeping with the existing front and side yard regulations of the residence district; The proposed solar farm and solar panel use is permitted in A, Agricultural, M-1, Light Industrial and M-2, Heavy Industrial zoning districts, pursuant to an approved Special Use Permit and per the adopted ordinance 21-ORD-68, dated 10/19/21 by the city council of the City of Petersburg, Virginia., thus the necessity to have the property rezoned to the requested zoning classification of M-1, Light Industrial District.

The planning commission shall review the plans and statements and shall not permit such buildings, structures, or uses until there has been shown that the public health, safety, morals, and general welfare will be properly protected, and that necessary safeguards will be provided for the protection of surrounding property and persons. The planning commission, in reviewing the plans and statements, shall consult with other agencies created for the promotion of public health and safety.

A public hearing has been scheduled regarding a petition submitted by Solar Star Petersburg<sup>1</sup>, LLC to rezone the property addressed as 970 Winfield Rd. Petersburg, VA 23803, Tax Parcel Identification Number: 034020003, from R-5, Multiple Dwelling District to M-1, Light Industrial District, and located on an elongated 20.22-acre parcel of land. Between the highway and the railroad. The proposed property is vacant and currently zoned R-5, Multiple Dwelling District which is not a suitable classification for the proposed use or for the construction of multifamily apartment units.

The purpose of the rezoning is to permit the use for a proposed project which is an approximately 5MWac solar electric generating facility, which will apply to be considered for the Virginia Community Solar program, increasing the renewable energy generation portfolio, and replacing fossil fuel resources in addition to obtaining the required Special Use Permit on the property to operate a Solar Farm. The purpose of the Special Use Permit is to allow the use of the proposed project as an overlay district which is only allowed with the approval of a Special Use Permit to be granted by the City Council per an amendment to the zoning ordinance reviewed by the council on

July 7, 2021, and the ordinance adopted on 10/19/21 (See attached Ordinance). The request is to add a solar farm and solar panels to approximately 5MWac solar electric generating facility, and as previously mentioned will apply to be considered for the Virginia Community Solar program, increasing the renewable energy generation portfolio, and replacing fossil fuel resources.

This request, if approved, would provide public utilities through an innovative way of providing energy by laying the panels out on the large tract of land. The R-5, zoning designation is not suited for residential development as it is surrounded by infrastructure. The property would be able to produce renewable energy for the next 25-305 years and then be returned to its current state for another use. \*\* It should be noted that a similar request was approved and adopted under 17-ORD-1 on 01/03/17 on property addressed as 950 Rear Winfield Rd.

## II. Surrounding Conditions

The subject property, and all properties immediately adjacent to the proposed, vacant site, are zoned "B-2", General Commercial District, A-Agricultural, RMH, Residential Mobile Home and R-1, Single-Family Residence District within the Myrick Acres Subdivision and to the south of the property. The surrounding business uses include convenience stores and gasoline services stations, Hardee's, auto repair establishments, National Battlefield, Hotel and sign/printing company along US Route 460 and County Drive. Access to Fort Lee Army Base, a military installation is also in the general vicinity.

## III. Findings

- A. The 2014 Comprehensive Plan designates the subject property as vacant, open space and future land use as medium/high density residential.
- B. The current "R-5, zoning district classification is no longer a viable classification by the constraints of being surrounded by infrastructure, gas line, railroad, setback off the road and surrounded by a multitude of trees and vegetation, city water and sewer plants.
- C. The proposed project will create temporary jobs for the duration of construction. After construction, the Project will be visited by TotalEnergies or TotalEnergies agents as needed for maintenance purposes.
- D. It is not believed that the proposed location will be visible from any public road and the site is separated from the nearest residential neighborhood by I-95 Interstate Highway and rail lines.
- E. There will not be noise emissions from the equipment and if there are, it's expected to be low, and no change in noise is expected at the property boundaries.
- F. Applicant anticipates construction to commence in 2024 with an in-service date of 2025. No construction will occur during nighttime hours; the site may be monitored for security purposes during these times. Visit will be intermittent for maintenance or repair. Parking within the site will be for maintenance vehicles, as needed. No pavement within the project site.
- G. Should the applicant(s) receive a favorable approval from the City Council with respect to their application. The applicant shall be required to submit for review and approval a site plan showing the building/structures location, parking, lighting, signage, and landscaping to be review by the DRT (Development Review Team) prior to the submission of a building permit application. (See Rendering attached to the application)

## IV. Statement of Law

See the attached ordinance adopted by the City Council of the city of Petersburg, Virginia on 10/19/21

## V. Recommendation

The Department of Planning & Community Development will withhold its recommendation until after the public hearing and the presentation by the petitioner(s).

## VI. Exhibits

- 1) Tax Parcel Map Extract
- 2) Zoning Map Extract
- 3) Tax Assessor File Record



- 4) Applicants Petition w/Exhibits
- 5) Reference Information/Questions



## City of Petersburg Planning Commission Agenda Item

Case No: 22-REZ-08  
 Public Hearing Date: September 1, 2022  
 Property Address: 970 Winfield Road  
 Agent: Solar Star Petersburg1, LLC

### Request

Rezoning

### Staff Recommendation

Approve

### Summary of Proposal

This is a request to rezone the property located at 970 Winfield Road from R-5, Multiple Dwelling District to M-1, Light Industrial District to permit the development of an approximately 5MWac solar electric generating facility.

### Parcel ID

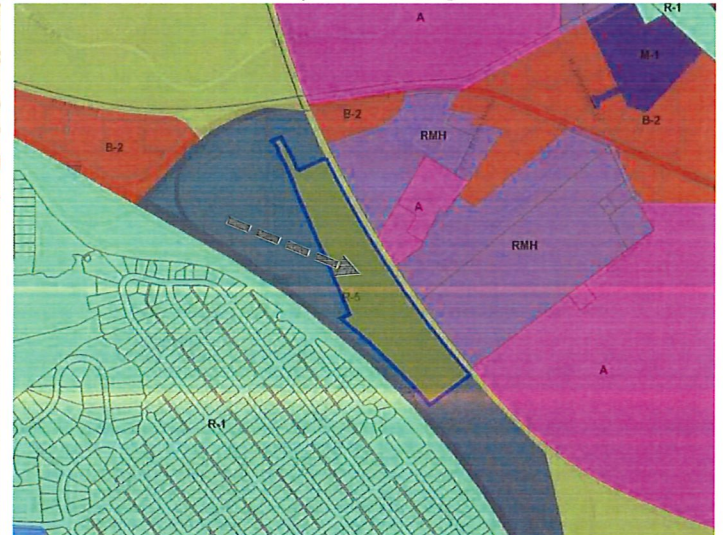
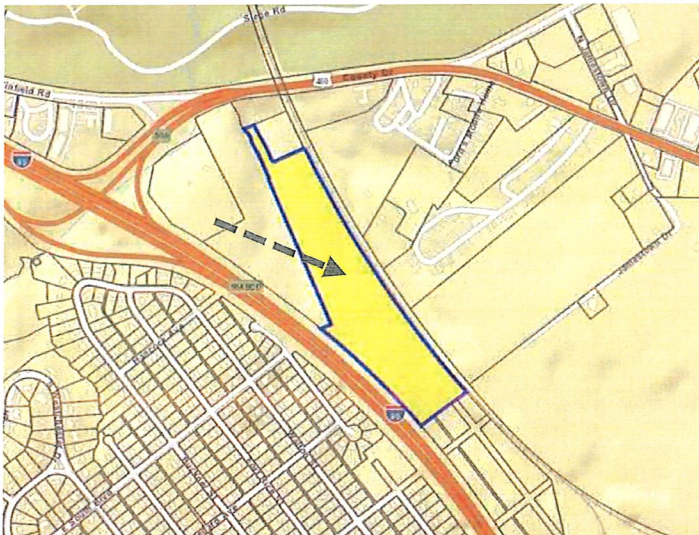
034020003

### Acreage

20.22 Acres

### Current Zoning Designation

R-5 Multiple Dwelling District



### Photo

Adjacent Land Use: Open Space, I-95, Railroad

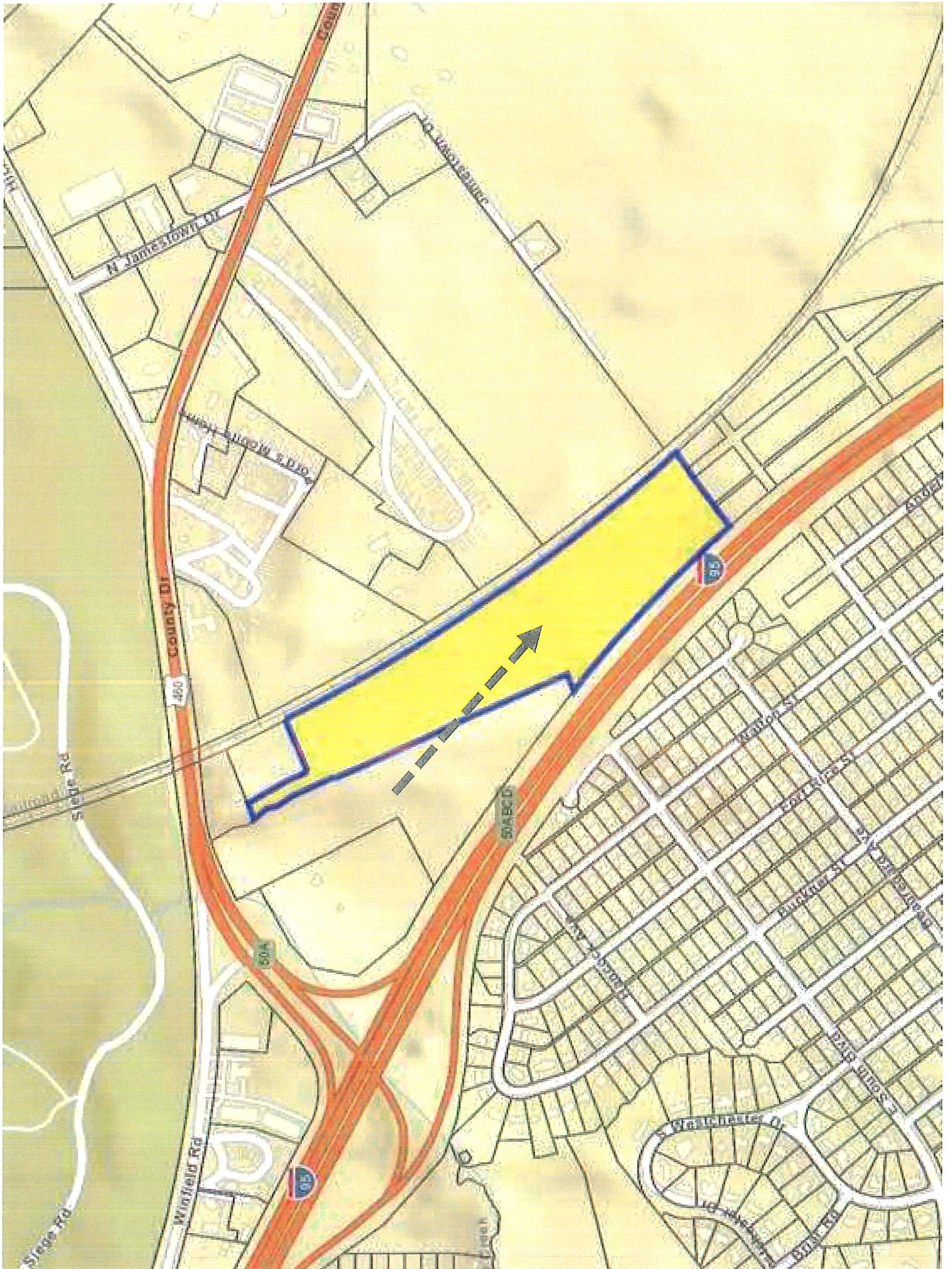


### Comprehensive Plan Designation

Future Land Use: Medium/High Density Residential







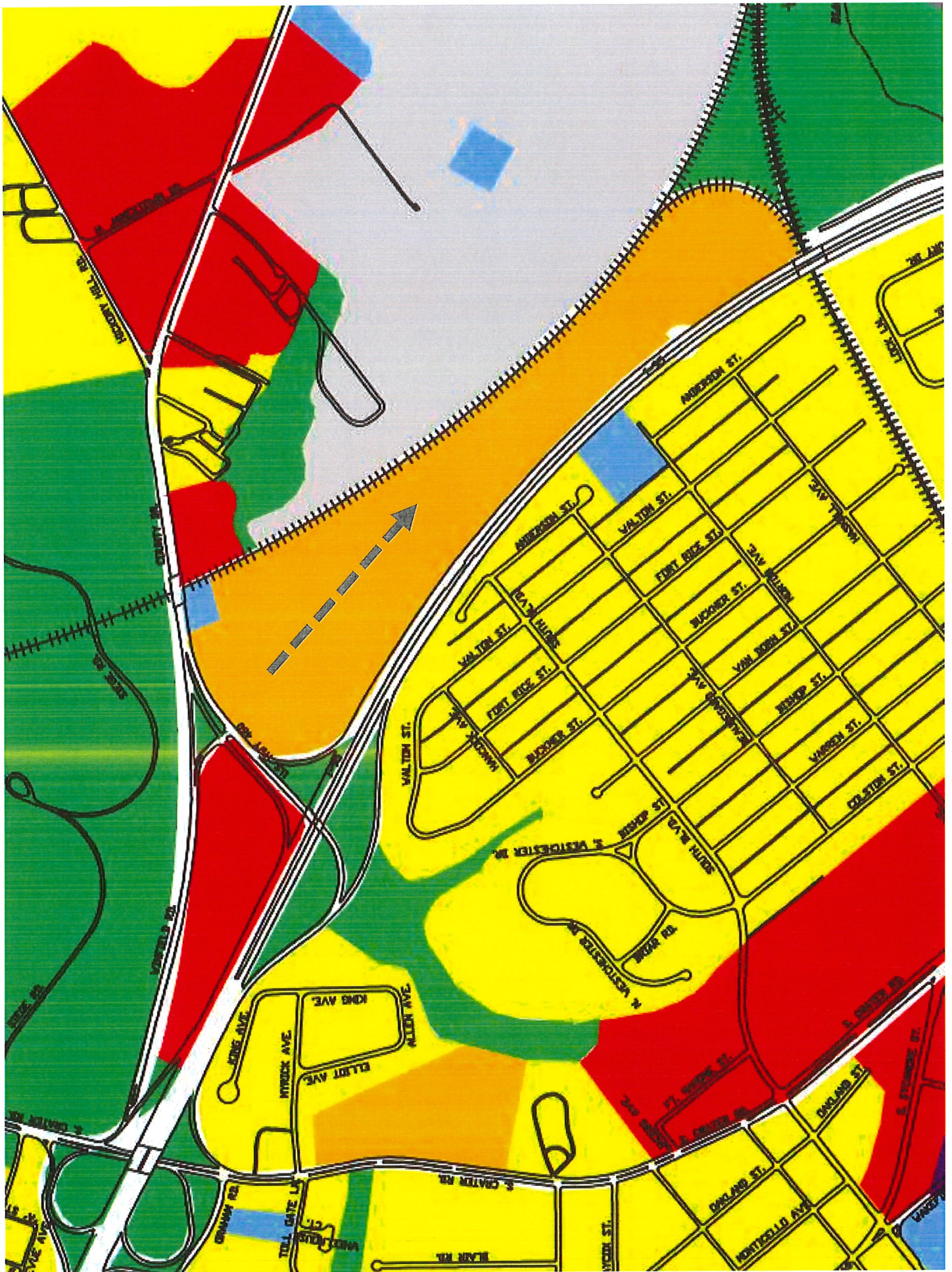




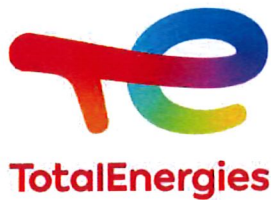












## TotalEnergies Renewables

### Winfield Rd Community Solar Project

Mr. Reginald Tabor  
City of Petersburg Department  
of Planning and Community  
Development  
135 N Union Street  
Petersburg, VA 23803

Subject: Winfield Rd Community Solar Project – Petition for Rezoning and Special Use Permit

August 4, 2022

Dear Mr. Tabor,

TotalEnergies is submitting a Petition for Rezoning and Special Use Permit for a Community Solar project located on parcel of land approximately 20.22 acres in size (see Appendix A - Zoning Map). The Project parcel is located at 970 Winfield Rd, Petersburg, VA and is the elongated parcel in between the highway and the railroad (see Appendix B - Property Profile).

The proposed Project is an approximately 5MWac solar electric generating facility located on a portion of land that is not currently in use. The parcel is currently zoned as R-5, but it is not ideally suited for residential homes since it is surrounded by infrastructure. We are submitting a petition to rezone the parcel to M-1 so that this solar project can be installed on the property (see Appendix C - Plat).

### Project Details

#### Site Access

The Project area is bound on the west by Highway 95 and a gas pipeline, on the north by Winfield Road and City parcels, and on the east and south by the railroad. Access will be through a new access driveway which will be built off Winfield Road to directly access the Project, as shown on the Project Site Plan (see Appendix D). This access road will be 12 feet in width constructed of compacted native material and run around the solar panels, with a locked entrance swing-gate. For public safety and security purposes, the Project will be enclosed by a chain link security fence 6 feet in height with an additional 1 foot of barbed wire on the top.

#### Hours and Days of Operation

The solar generating station operates constantly when the sun is shining.

#### Number of Employees

During construction, temporary jobs will be created for the duration of construction. After construction, the Project will be visited by TotalEnergies or TotalEnergies agents as needed for maintenance purposes.

#### Anticipated Traffic/Cientele

Existing daily traffic volume in the vicinity of the project site is minimal. A temporary increase in traffic will occur during construction. When the Project is operational, it is anticipated that traffic will diminish and be similar to the pre-construction levels.

#### Schedule of Expected Development

Construction of the Project is expected to begin in 2024 with an in-service date of 2025.

No construction will occur during nighttime hours; however, the site may be monitored for security purposes during these times. Once construction is complete, utility personnel using pick-up trucks may periodically visit the facility. Visits will be intermittent for maintenance or repair. Parking within the fenced site will be for maintenance vehicles, as needed. These vehicles will be parked adjacent to the equipment where authorized personnel will be working. There is no paving within the project site.

### Potential Impacts

#### Utilities

No septic/sewer, water lines, or gas lines are needed.

#### Drainage

TotalEnergies will grade the site as needed and appropriate drainage will be implemented, as required by Valencia County.

#### Potential Traffic Impacts

During construction, traffic to the Project site will temporarily increase as vehicles hauling equipment and supplies and worker's vehicles access the site. After construction is complete and the Project becomes operational, approximately one vehicle will access the Project as needed for maintenance, likely once or twice a year.

#### Potential Quality of Life Impacts

The Project would not create health effects, noise, or odors. The electric power generation industry is a major contributor to our quality of life in the United States. Reliable electric service is essential to modern living and improves everyone's quality of life. In addition, safe, reliable electric power is a cornerstone of community growth and economic development. It is important to the health, welfare, and safety of its citizens.

TotalEnergies will comply with current applicable City of Petersburg codes and regulations. The Project will promote the use of underutilized land by locating on an undeveloped portion of an existing parcel of land. The Project will help diversify energy production and diversify the local economy by providing customers in the City of Petersburg with renewable energy through the Virginia Community Solar Program. The Project is not located on agricultural land thereby protecting agricultural resources in the county.

In summary, this project is necessary to increase TotalEnergies' renewable generation portfolio and offset fossil fuel resources. If you have any questions or need any additional information, please feel free to contact the Project Developer, Alyssa Smith, at [alyssa.smith@totalenergies.com](mailto:alyssa.smith@totalenergies.com) or (617) 777-4912.

Sincerely,

### Solar Star Petersburg 1, LLC

By: TotalEnergies Distributed Generation Assets USA, LLC, its sole owner

By: TotalEnergies Distributed Generation USA, LLC, its sole owner

DocuSigned by:

*Frederic A Potts III*

5ED7E1412BFC442...

Name: Frederic A. Potts, III

Title: President and CEO

Date: August 3, 2022

[Appendix A – Zoning Map](#)

[Appendix B – Property Profile](#)

[Appendix C – Plat](#)

[Appendix D – Site Plan](#)

# **PETITION FOR REZONING OR SPECIAL USE PERMIT**

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

CASE NUMBER: \_\_\_\_\_

APPLICANT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

I, Solar Star Petersburg 1, LLC hereby petition to rezone the following described properties  
from zoning district R-5 to zoning district M-1

## **A. DESCRIPTION OF PROPOSED USE: (ATTACH ADDITIONAL DOCUMENTS IF NECESSARY)**

The proposed Project is an approximately 5MWac solar electric generating facility. The Project will  
apply to be considered for the Virginia Community Solar program, increasing the renewable energy  
generation portfolio and replacing fossil fuel resources.

## **B. PROPERTY INFORMATION**

### **1. Tax Parcel Identification Number(s):**

034020003

### **2. Current Street Address(es) if assigned:**

970 Winfield Rd, Petersburg, VA 23803

### **3. Approximate Area:**

sq. ft.

20.22

acres

### **4. Public Street Frontage:**

0

ft.

### **5. A boundary plat of this property outlining the area to be rezoned must be attached to this petition.**

### **6. The following deed restrictions may affect the use of this property:**

N/A

### **7. Brief:**

Said deed restrictions will expire on: N/A



**C. JUSTIFICATION FOR REZONING**

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

The project parcel is currently zoned as R-5, likely because multi-family housing was proposed for the property, but that no longer seems viable. The parcel is surrounded by infrastructure that is not ideal to have located next to residential homes but makes solar the ideal use for this parcel. The property would be able to produce renewable energy for the next 25-35 years and then be returned to its current state for another use.

- 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).**

The project parcel is surrounded by constraints, including a highway and gas pipeline on the western edge, Winfield Road and City parcels on the northern edge, and a railroad on the eastern and southern edges. Due to these development constraints, a solar project is the ideal use for this parcel. The parcel is also set back from Winfield Road and surrounded by trees/vegetation, so it will likely not be visible from the road.

- 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).**

This solar project will apply to be considered for the Community Solar program in Virginia, increasing the renewable energy generation portfolio and replacing fossil fuel resources. With the project enrolled in the Community Solar program, it will bring more affordable and renewable energy to the City of Petersburg.

- 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).**

The project parcel is currently zoned as R-5, multi-family residential. However, the property is surrounded by developmental constraints and infrastructure that would not be ideal for location next to residential homes, including a highway, gas pipeline, City water/sewer plants, and a railroad. Due to these reasons, a solar project would be an ideal use for this parcel.

**D. CERTIFICATION:**

The undersigned applicant certifies that they:

\_\_\_\_\_ (a) are the owner, lessee or agent for (specified in writing)

\_\_\_\_\_ X (b) possess a proprietary interest in (contract or option agreement)

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

**Signed:** \_\_\_\_\_ Solar Star Petersburg 1, LLC (TotalEnergies Renewables)

**Mailing Address:** \_\_\_\_\_ 1414 Harbour Way South

\_\_\_\_\_ Richmond, CA 94804

**Phone Number:** \_\_\_\_\_ (510) 540-0550

**Email Address:** \_\_\_\_\_ alyssa.smith@totalenergies.com (Alyssa Smith, Project Developer)

**APPROVED**

\_\_\_\_\_  
**City Attorney**

**TO BE FILED IN THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

**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)

---

3L PROPERTIES LLC

934 WINFIELD RD Petersburg VA

CITY OF PETERSBURG

960 COUNTY DR Petersburg VA

CITY OF PETERSBURG

950 WINFIELD RD Petersburg VA

VIRGINIA CRAFTSMAN PROPERTIES

2134 ELLIOTT ST Petersburg VA

VIRGINIA CRAFTSMEN PROPERTIES

2135 ELLIOTT ST Petersburg VA

---

HIGHWAY INTERSTATE 95

None provided on online GIS map

RAILROAD

None provided on online GIS map

---



## **Appendix A – Zoning Map**

WINFIELD ROAD  
PARCEL# 03402001  
PROPERTY USE: 433  
ZONING: B-2

12' MAINTENANCE ROAD  
= 2216.67 SQ. FT.  
(N) SITE ACCESS GATE  
(N) FENCE  
= 14.73 ACRES  
PARCEL# 03402003  
OWNER: SHODON  
PROPERTY USE: 310 MOBILE HOME PARK  
ZONING: RMH

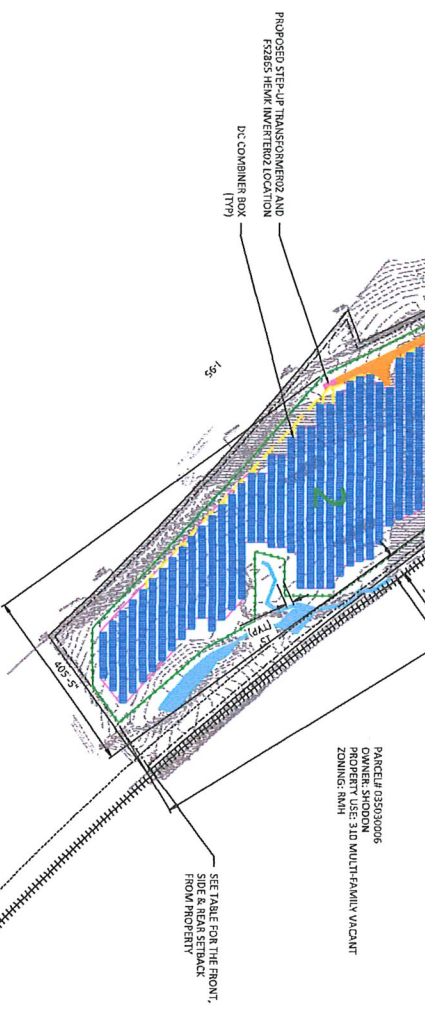
13.24V POINT OF INTERCONNECTION (EXISTING OVERHEAD POLE) (37.216445, 77.372688)

AC-RUN (STEP UP KEMRO OVERHEAD)  
= 560 LF  
PROPOSED STEP-UP TRANSFORMER1 AND  
531910 HEAVY INVERTER1 LOCATION  
AC-RUN (STEP UP KEMRO STEP UP KEMRO1)  
= 815 LF

PARCEL# 03402001  
PROPERTY OWNER: 31 PROPERTIES LLC  
PROPERTY USE: MULTI-FAMILY VACANT  
ZONING: R-5

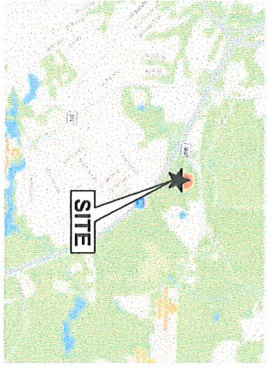
PARCEL# 03402003  
OWNER: HOA AND MAY 15 88 LT MS  
PROPERTY USE: 310 SUBURBAN  
ZONING: A

PARCEL# 03402006  
OWNER: SHODON  
PROPERTY USE: 310 MULTI-FAMILY VACANT  
ZONING: RMH



ARRAY LAYOUT  
SOURCE: 7/1/2017 = 17°

BLOCK	# MODULE	ESTRING (DC)	36 INPUT CB (W/ 18 STR)	18 INPUT CB (W/ 9 STR)	HEAVY	AC SYSTEM SIZE (KW)	TILT (°)	GCR	CS AZIMUTH (°)	SPWR AZIMUTH (°)	DC RUN (CB-WV)
1	4576	176	2471.04	11	1	2865	20	0.65	180	0	215, 115, 70, 35, 95, 135, 220, 280, 380, 480, 525
2	6880	265	3720.6	16	1	2865	20	0.65	180	0	605, 480, 355, 230, 145, 50, 45, 105, 185, 210, 255, 305
TOTAL	11456	441	6191.64	27	1	4775.0					355, 425, 485, 545



FRONT YARD	SIDE YARD	NUMBER OF	REAR YARD
3 FT	10 FT	2	10 FT

NOTES:

1. 104 MPH WIND ZONE (FACE 7, H) CATEGORY 1, EXPOSURE C
2. SNOWLOADED 20 PSF, ELEVATION 135'
3. ALL TREES WITHIN ARRAY BOUNDARY AND THOSE WHICH WILL SHADE THE ARRAY, NEED TO BE REMOVED PRIOR TO INSTALLATION
4. MINIMUM PANEL HEIGHT FROM GRADE: 2'
5. NUMBER OF OVERHEAD POLES: 4
6. POLE-TO-POLE DISTANCE: 50'
7. SETBACKS FROM THE PROPERTY LINE ARE AS PER "M-1" LIGHT INDUSTRIAL ZONING
8. SETBACKS FROM THE PROPERTY LINE ARE AS PER "M-1" LIGHT INDUSTRIAL ZONING
9. SETBACKS FROM THE PROPERTY LINE ARE AS PER "M-1" LIGHT INDUSTRIAL ZONING
10. PARCEL# 03402003
11. PROPERTY OWNER: VIRGINIA GRANTSMEN PROPERTIES
12. PROPERTY USE: 300 MULTI-FAMILY VACANT
13. EXISTING OVERHEAD POLE AND TRANSFORMER LOCATION IS M-1
14. LAND USE PROPOSED IS SOLAR PROJECT

LEGEND:

- PROPOSED AC STATION
- PROPOSED POINT OF INTERCONNECTION
- AC CONDUITS IN TRENCH
- AC CONDUITS (SPR-SSB)
- DC CONDUITS (CB-WV)
- EXISTING OVERHEAD LINE
- NEW OVERHEAD LINE
- EXISTING UTILITY POLE
- NEW UTILITY POLE
- SETBACK FROM PROPERTY LINE
- SETBACK FROM RAILROAD

PROJECT SUMMARY		GFT
TOTAL # OF MODULE	11456	
STRING LENGTH	28	
MODULE TYPE	3RD PARTY 360W	
# OF HEAVY INVERTER	2	
AC SYSTEM SIZE (KW)	6191.64	
DC SYSTEM SIZE (KW)	4775.0	

THE PROPOSED ARRAY LAYOUT SHOWN IS DESIGNED TO FIT EXISTING QUANTITIES AND SUBJECT TO CHANGE BASED ON SURVEY VERIFICATION OF ACTUAL SITE CONDITIONS.

REVISIONS	
DATE	DESCRIPTION
07-29-2017	PROPOSAL
08-10-2017	SITE NEW DEVELOPMENT

PROJECT: DEC13/14/2017

AL1

SUNPOWER COMMUNITY SOLAR DEVELOPMENT  
WINFIELD RD DEV

914 WINFIELD RD  
PETERSBURG, VA 23103

ARRAY LAYOUT

PROJECT: 03/2017

TotalEnergies

TOTAL ENERGIES DEVELOPMENT, LLC  
7700 N. HUNTER LANE  
SUITE 100



**City of Petersburg  
Zoning**

The map displays the City of Petersburg, Virginia, with various zoning districts labeled. A red line highlights a specific area in the central part of the city. The map includes a north arrow, a scale bar (0.25 to 0.5 miles), and the City of Petersburg logo. The map is oriented with North at the top.

**Legend:**

- Residential Single-Family (R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-9, R-10, R-11, R-12, R-13, R-14, R-15, R-16, R-17, R-18, R-19, R-20, R-21, R-22, R-23, R-24, R-25, R-26, R-27, R-28, R-29, R-30, R-31, R-32, R-33, R-34, R-35, R-36, R-37, R-38, R-39, R-40, R-41, R-42, R-43, R-44, R-45, R-46, R-47, R-48, R-49, R-50, R-51, R-52, R-53, R-54, R-55, R-56, R-57, R-58, R-59, R-60, R-61, R-62, R-63, R-64, R-65, R-66, R-67, R-68, R-69, R-70, R-71, R-72, R-73, R-74, R-75, R-76, R-77, R-78, R-79, R-80, R-81, R-82, R-83, R-84, R-85, R-86, R-87, R-88, R-89, R-90, R-91, R-92, R-93, R-94, R-95, R-96, R-97, R-98, R-99, R-100)
- Residential Medium-Density (RM-1, RM-2, RM-3, RM-4, RM-5, RM-6, RM-7, RM-8, RM-9, RM-10, RM-11, RM-12, RM-13, RM-14, RM-15, RM-16, RM-17, RM-18, RM-19, RM-20, RM-21, RM-22, RM-23, RM-24, RM-25, RM-26, RM-27, RM-28, RM-29, RM-30, RM-31, RM-32, RM-33, RM-34, RM-35, RM-36, RM-37, RM-38, RM-39, RM-40, RM-41, RM-42, RM-43, RM-44, RM-45, RM-46, RM-47, RM-48, RM-49, RM-50, RM-51, RM-52, RM-53, RM-54, RM-55, RM-56, RM-57, RM-58, RM-59, RM-60, RM-61, RM-62, RM-63, RM-64, RM-65, RM-66, RM-67, RM-68, RM-69, RM-70, RM-71, RM-72, RM-73, RM-74, RM-75, RM-76, RM-77, RM-78, RM-79, RM-80, RM-81, RM-82, RM-83, RM-84, RM-85, RM-86, RM-87, RM-88, RM-89, RM-90, RM-91, RM-92, RM-93, RM-94, RM-95, RM-96, RM-97, RM-98, RM-99, RM-100)
- Residential High-Density (RH-1, RH-2, RH-3, RH-4, RH-5, RH-6, RH-7, RH-8, RH-9, RH-10, RH-11, RH-12, RH-13, RH-14, RH-15, RH-16, RH-17, RH-18, RH-19, RH-20, RH-21, RH-22, RH-23, RH-24, RH-25, RH-26, RH-27, RH-28, RH-29, RH-30, RH-31, RH-32, RH-33, RH-34, RH-35, RH-36, RH-37, RH-38, RH-39, RH-40, RH-41, RH-42, RH-43, RH-44, RH-45, RH-46, RH-47, RH-48, RH-49, RH-50, RH-51, RH-52, RH-53, RH-54, RH-55, RH-56, RH-57, RH-58, RH-59, RH-60, RH-61, RH-62, RH-63, RH-64, RH-65, RH-66, RH-67, RH-68, RH-69, RH-70, RH-71, RH-72, RH-73, RH-74, RH-75, RH-76, RH-77, RH-78, RH-79, RH-80, RH-81, RH-82, RH-83, RH-84, RH-85, RH-86, RH-87, RH-88, RH-89, RH-90, RH-91, RH-92, RH-93, RH-94, RH-95, RH-96, RH-97, RH-98, RH-99, RH-100)
- Commercial (C-1, C-2, C-3, C-4, C-5, C-6, C-7, C-8, C-9, C-10, C-11, C-12, C-13, C-14, C-15, C-16, C-17, C-18, C-19, C-20, C-21, C-22, C-23, C-24, C-25, C-26, C-27, C-28, C-29, C-30, C-31, C-32, C-33, C-34, C-35, C-36, C-37, C-38, C-39, C-40, C-41, C-42, C-43, C-44, C-45, C-46, C-47, C-48, C-49, C-50, C-51, C-52, C-53, C-54, C-55, C-56, C-57, C-58, C-59, C-60, C-61, C-62, C-63, C-64, C-65, C-66, C-67, C-68, C-69, C-70, C-71, C-72, C-73, C-74, C-75, C-76, C-77, C-78, C-79, C-80, C-81, C-82, C-83, C-84, C-85, C-86, C-87, C-88, C-89, C-90, C-91, C-92, C-93, C-94, C-95, C-96, C-97, C-98, C-99, C-100)
- Industrial (I-1, I-2, I-3, I-4, I-5, I-6, I-7, I-8, I-9, I-10, I-11, I-12, I-13, I-14, I-15, I-16, I-17, I-18, I-19, I-20, I-21, I-22, I-23, I-24, I-25, I-26, I-27, I-28, I-29, I-30, I-31, I-32, I-33, I-34, I-35, I-36, I-37, I-38, I-39, I-40, I-41, I-42, I-43, I-44, I-45, I-46, I-47, I-48, I-49, I-50, I-51, I-52, I-53, I-54, I-55, I-56, I-57, I-58, I-59, I-60, I-61, I-62, I-63, I-64, I-65, I-66, I-67, I-68, I-69, I-70, I-71, I-72, I-73, I-74, I-75, I-76, I-77, I-78, I-79, I-80, I-81, I-82, I-83, I-84, I-85, I-86, I-87, I-88, I-89, I-90, I-91, I-92, I-93, I-94, I-95, I-96, I-97, I-98, I-99, I-100)
- Office (O-1, O-2, O-3, O-4, O-5, O-6, O-7, O-8, O-9, O-10, O-11, O-12, O-13, O-14, O-15, O-16, O-17, O-18, O-19, O-20, O-21, O-22, O-23, O-24, O-25, O-26, O-27, O-28, O-29, O-30, O-31, O-32, O-33, O-34, O-35, O-36, O-37, O-38, O-39, O-40, O-41, O-42, O-43, O-44, O-45, O-46, O-47, O-48, O-49, O-50, O-51, O-52, O-53, O-54, O-55, O-56, O-57, O-58, O-59, O-60, O-61, O-62, O-63, O-64, O-65, O-66, O-67, O-68, O-69, O-70, O-71, O-72, O-73, O-74, O-75, O-76, O-77, O-78, O-79, O-80, O-81, O-82, O-83, O-84, O-85, O-86, O-87, O-88, O-89, O-90, O-91, O-92, O-93, O-94, O-95, O-96, O-97, O-98, O-99, O-100)
- Public Use (PU-1, PU-2, PU-3, PU-4, PU-5, PU-6, PU-7, PU-8, PU-9, PU-10, PU-11, PU-12, PU-13, PU-14, PU-15, PU-16, PU-17, PU-18, PU-19, PU-20, PU-21, PU-22, PU-23, PU-24, PU-25, PU-26, PU-27, PU-28, PU-29, PU-30, PU-31, PU-32, PU-33, PU-34, PU-35, PU-36, PU-37, PU-38, PU-39, PU-40, PU-41, PU-42, PU-43, PU-44, PU-45, PU-46, PU-47, PU-48, PU-49, PU-50, PU-51, PU-52, PU-53, PU-54, PU-55, PU-56, PU-57, PU-58, PU-59, PU-60, PU-61, PU-62, PU-63, PU-64, PU-65, PU-66, PU-67, PU-68, PU-69, PU-70, PU-71, PU-72, PU-73, PU-74, PU-75, PU-76, PU-77, PU-78, PU-79, PU-80, PU-81, PU-82, PU-83, PU-84, PU-85, PU-86, PU-87, PU-88, PU-89, PU-90, PU-91, PU-92, PU-93, PU-94, PU-95, PU-96, PU-97, PU-98, PU-99, PU-100)
- Neighborhood Center (NC-1, NC-2, NC-3, NC-4, NC-5, NC-6, NC-7, NC-8, NC-9, NC-10, NC-11, NC-12, NC-13, NC-14, NC-15, NC-16, NC-17, NC-18, NC-19, NC-20, NC-21, NC-22, NC-23, NC-24, NC-25, NC-26, NC-27, NC-28, NC-29, NC-30, NC-31, NC-32, NC-33, NC-34, NC-35, NC-36, NC-37, NC-38, NC-39, NC-40, NC-41, NC-42, NC-43, NC-44, NC-45, NC-46, NC-47, NC-48, NC-49, NC-50, NC-51, NC-52, NC-53, NC-54, NC-55, NC-56, NC-57, NC-58, NC-59, NC-60, NC-61, NC-62, NC-63, NC-64, NC-65, NC-66, NC-67, NC-68, NC-69, NC-70, NC-71, NC-72, NC-73, NC-74, NC-75, NC-76, NC-77, NC-78, NC-79, NC-80, NC-81, NC-82, NC-83, NC-84, NC-85, NC-86, NC-87, NC-88, NC-89, NC-90, NC-91, NC-92, NC



## **Appendix B – Property Profile**

# Petersburg, Virginia

Parcel: 034020003

## Summary

Owner Name	VIRGINIA CRAFTSMEN PROPERTIES	National Historic District:	
Owner Mailing Address	2412 MT BLANCO RD CHESTER, VA 23836	Enterprise Zone:	
Property Use	300	Opportunity Zone:	51730811200
State Class:	3 Multi Family	VA Senate District:	16
Zoning:	R-5	Va House District:	63
Property Address	970 WINFIELD RD Petersburg, VA	Congressional District:	4
Legal Acreage:	20.22	City Ward:	1
Legal Description:	PT TRACT 1 PUGH PLAT20.22 ACRES	Polling Place:	Blandford Academy
Subdivision:	Pugh	Primary Service Area:	
Assessment Neighborhood Name:		Census Tract:	8112
Local Historic District:		Elementary School:	Lakemont
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

## Improvements

Finished (Above Grade):		Shed:	
Basement:		Total Rooms:	
Attached Garage:		Bedrooms:	
Detached Garage:		Full Baths:	
Enclosed Porch:		Half Baths:	
Open Porch:		Foundation:	
Deck/Patio:		Central A/C:	0%

## Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
	5/12/2006	\$291,500	2006/2304

## Assessments

Valuation as of	01/01/2018	01/01/2019	01/01/2020	01/01/2021	01/01/2022
Effective for Billing:	07/01/2018	07/01/2019	07/01/2020	07/01/2021	07/01/2022
Reassessment					
Land Value	\$354,300	\$354,300	\$354,300	\$354,300	\$361,400
Improvement Value	\$	\$	\$	\$	\$
Total Value	\$354,300	\$354,300	\$354,300	\$354,300	\$361,400

## Property Tax (Coming Soon)



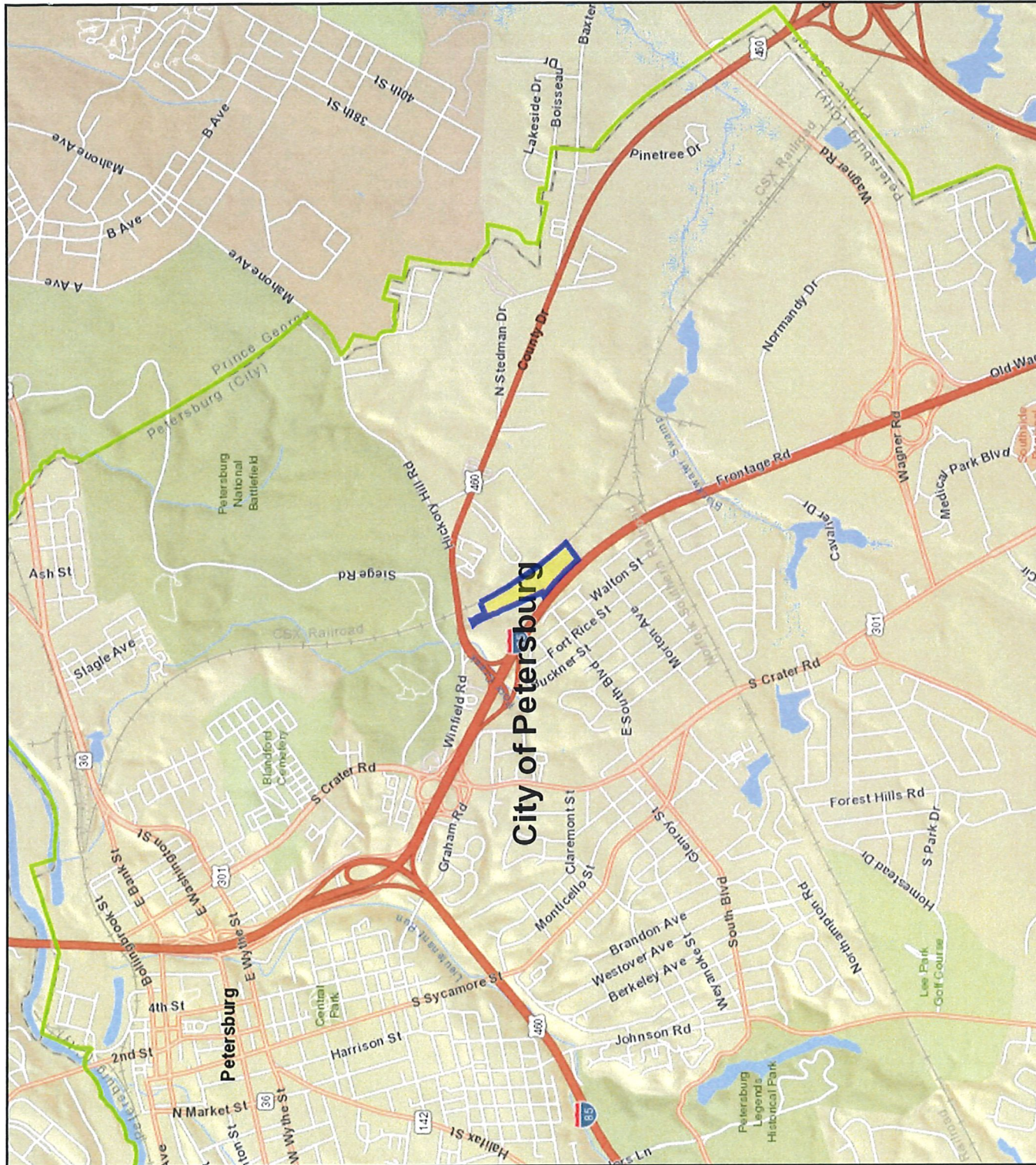
# Petersburg, Virginia

## Legend

County Boundaries

Feet

0 800 1600 2400 3200  
1:36,112 / 1"=3,009 Feet



Parcel #: 034020003

Date: 8/2/2022

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and City of Petersburg is not responsible for its accuracy or how current it may be.



## **Appendix C – Plat**

[illegible]

22-575

-AC-

39.85'

— as object of

---

263

Remaining part of  
tract No.1

50

215-1

A

2

२५

F

22.97-AC.

CONSUMER INC.

$\Delta = 16^{\circ} 53' 44''$      $R = 8644.4'$      $CORD = 2539.85'$      $L = 2549.3'$   
 F CITY CORPORATE LIMITS & N & W - R.R.  
 TRACK is on Irregular Curve

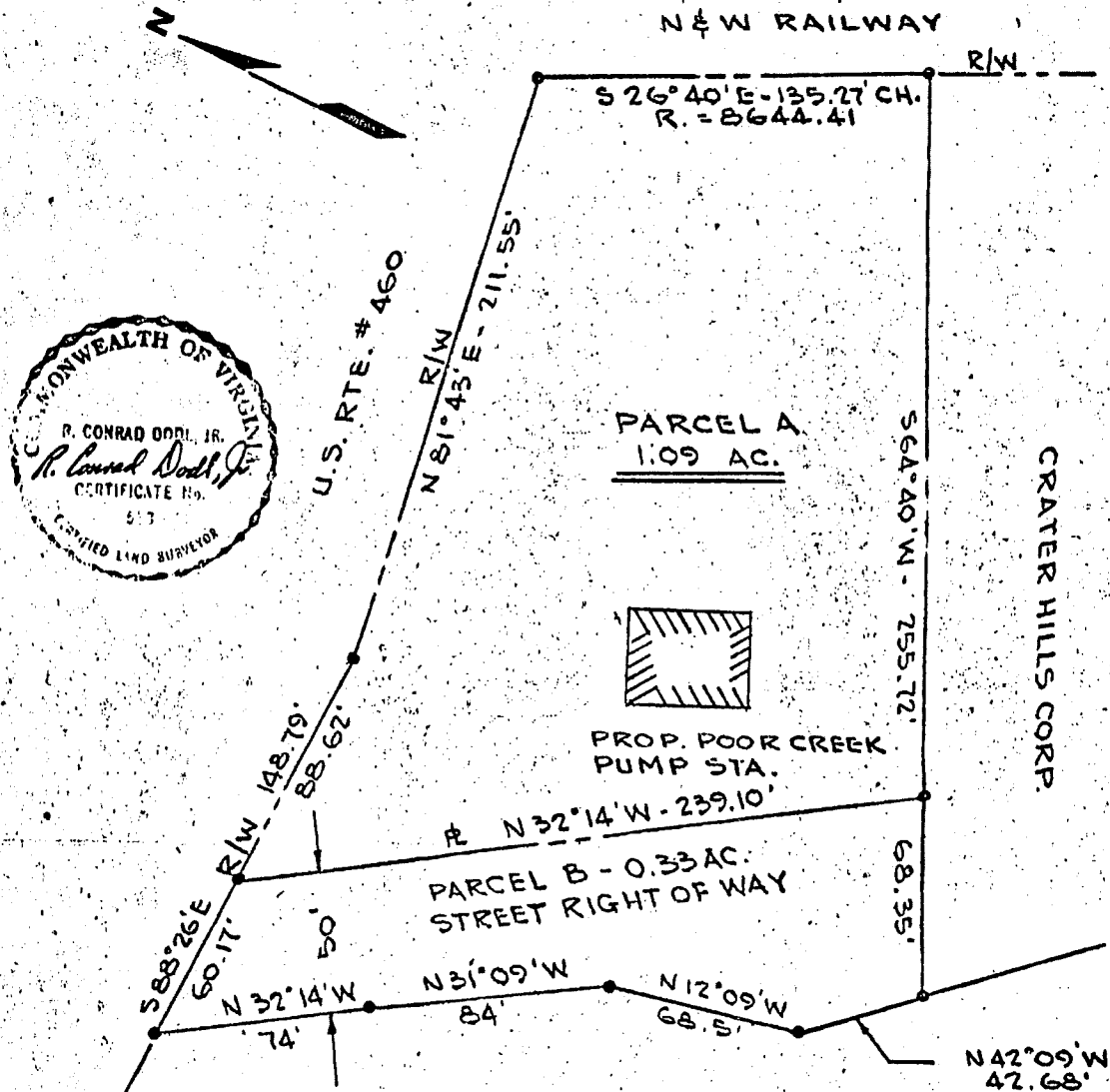
note: Right of way along railroad see plat of  
For Right of way along track is not  
Corporate Limits. center line of track is not  
center of Right of way at all points.  
2100s along Interstate 95 are 0.5' outside fence line.

Ref:	220	Prince George C.H.
DB 145 pg	458	Clerks ofc. Petersburg
DB 233 pg	242	" "
DB 235 pg	92	" "
DB 234 pg	137	Prince George C.H.
DB 140 pg	508	" "
DB 129 pg	137	" "
DB B pg	137	" "
Highway B 1 pg	32	" "
Plot of Petersburg Corporate Limits		
Plat of N & W Railroad		
Sheet No 21, 3A & 4 of proj 0095-1		

SHOW  
TRACT NO  
RESUBDIVIS  
OLD COCK  
NOW SIT  
PETERS  
SCALE 1"=200'  
E.O.  
B.W. OF



OWNER: CRATER HILLS CORPORATION  
DEED BOOK: PAGE:



PLAT SHOWING LOCATION OF PROPERTY TO BE ACQUIRED

FROM CRATER HILLS CORPORATION

BY THE CITY OF PETERSBURG, VA.

IN THE CITY OF PETERSBURG, VIRGINIA

SCALE: 1" = 50'

DATE: OCT. 10, 1973

COMM. NO. 0222

WILEY & WILSON INC.  
ENGINEERS · ARCHITECTS · PLANNERS  
LYNCHBURG, VIRGINIA

REVISED - 12/10/73  
R CHANGED

Delivered to  
Walter Parrish,  
City Hall, City.  
5-1-74

VIRGINIA: In the Clerk's Office of the Circuit Court of  
the City of Petersburg. April 12th 1974  
The foregoing Instrument was this day lodged in said  
office and, with the certificate & Plat annexed,  
admitted to record at 1:15 P.M.

Test:

*John M. Bailey* Clerk



# City of Petersburg Planning Commission

## Report

**DATE:** July 7, 2021

**TO:** Planning Commission

**FROM:** Reginald Tabor, Director, Department of Planning and Community Development  
Clay Mansell, Economic Development Fellow, Economic Development

**Re:** Solar Farms and Solar Panels

---

**PURPOSE:** To provide an update on recently adopted legislation regarding Solar Farms and Solar Panels.

**RECOMMENDATION:** It is recommended that the Planning Commission review the Report information.

### **BACKGROUND:**

#### **Solar Farms**

Renewable energy, such as solar energy, has been getting a lot of attention lately as the problems of climate change become more evident. As of 2020, renewable energy accounted for 12% of U.S. primary energy consumption. Solar accounts for 11% of that 12%, 1.32% of U.S. primary energy consumption. Solar power has the benefit of not producing air pollutants and solar energy systems have a minimal impact on the environment ("Renewable energy explained").

In Virginia, clean energy has gotten a spotlight in the form of the Virginia Clean Economy Act. Signed by Governor Northam, this plan aims to transition Virginia's electric grid to 100% clean energy by 2050. A specific part of this plan is to expand access to solar rooftop panels. With the increased attention and resources provided towards ensuring access to solar power options, it is important to provide in the Zoning Ordinance where these panels, small rooftop panels or large solar farms, should be allowed.

Solar Panels, Small should be understood to be defined as small solar panels that are affixed to a pre-existing structure, commonly a rooftop. They are primarily utilized for non-commercial/industrial solar energy harvesting to supplement pre-existing energy sources.

Solar Farms should be understood to be defined as large solar panels that are typically standalone structures designed to harvest solar energy in large, industrial quantities as a primary energy source.

#### **Proposed Zoning Ordinance Language – Definitions**

*Solar Panel, Small.* Non-commercial/industrial solar energy harvesting equipment designed to be affixed to a pre-existing structure to supplement a primary energy source.

*Solar Farm.* Commercial/Industrial solar energy harvesting equipment designed to function as standalone structures to provide solar energy as a primary source of electric energy.

#### **General Provisions**

*Solar panels, Small* are permitted in all zoning districts and must conform to any current or future laws and regulations regarding electrical energy harvesting, storage, and distribution. If the proposed location is within a historic district, they are subject to review by the Architectural Review Board. All solar facilities must comply with Code of Virginia Title 15.2, Chapter 22, Article 7, § 15.2-2288.7.

*Solar Farms* are permitted in R-5, B-2, M-1, M-2, pursuant to a Special Use permit. Must confirm any current or future laws and regulations regarding electrical energy harvesting, storage, and distribution. May be prohibited in historic districts pursuant to the actions of any architectural review boards or committees. All solar facilities must comply with Code of Virginia Title 15.2, Chapter 22, Article 7, § 15.2-2288.7.

STAFF: Reginald Tabor, Director, Planning and Community Development  
Clay Mansell, Economic Development Fellow, Economic Development



Adjacent Property owners – 970 Winfield Road

TP# 034020003 Solar Star Farm Facility R-5/M-1 (20.22 Acres)

TP# 034020001 – 3L Properties LLC PO BOX 367, McKenney, VA 23872; 934 Winfield Road Petersburg, VA. 23803 (6.772 acres) R-5, Multiple Dwelling District.

TP# 041010001 – Jerry W. Collins, 928 Winfield Rd. Petersburg, VA 23803; (same address) 8 acres; R-5, Multiple Dwelling District. (Improved)

TP# 034030002 – Racetrac Petroleum Inc, PO BOX 2437 Smyrna, GA 30081; 2058 County Dr. Petersburg, Virginia 23803 (4.207 Acres) B-2, General Commercial District (Gas Station/Convenience Store)

TP# 034030003 – Shodon, PO BOX 50, Gwynn, VA 23066-0050; 2120 County Drive Petersburg, VA 23803 (14.08 Acres) RHM (Residential Mobil Home Park)

TP# 041020800 – Ford Alva B Sr ET ALS, 2118 County Dr. (REA) Petersburg, VA 23803; 2070 County Drive Petersburg, VA 23803; A-Agricultural (2.283 Acres)

TP# 041020001 – Ford, Kelly Renee, 2060 County Dr., Petersburg, VA. 23803 (same address) 4.452 Acres.

TP# 035030003 – Shodon, PO BOX 50, Gwynn, VA 23066-0050; 2178 County Drive Petersburg, VA 23803 (14 Acres) RHM (Residential Mobil Home Park) (3 Parcels)

TP# 034020002 – City of Petersburg, 135 N. Union Street, Petersburg, Virginia 23803; 950 Winfield Rd. Petersburg, VA., 23803 (1.091 Acres)



# City of Petersburg

Department of Planning and  
Community Development  
804-733-2308

135 N. Union Street, Room 304  
Petersburg, Virginia 23803  
srobinson@petersburg-va.org

August 23, 2022

## 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:

Notice is hereby given to all interested persons the City of Petersburg Planning Commission will hold public hearings on Thursday, September 1, 2022, beginning at 6:30 p.m. in the Petersburg Public Library located at 201 W. Washington Street, Petersburg, Virginia 23803.

**22-REZ-08:** A petition submitted by Solar Star Petersburg1, LLC to rezone the property addressed as 970 Winfield Rd. Petersburg, VA 23803, Tax Parcel Identification Number: 034020003, from R-5, Multiple Dwelling District to M-1, Light Industrial District. The purpose of the rezoning is to permit the use for a proposed project which is approximately 5MWac solar electric generating facility, which will apply to be considered for the Virginia Community Solar program, increasing the renewable energy generation portfolio, and replacing fossil fuel resources.

**22-SUP-01:** A petition submitted by Solar Star Petersburg 1, LLC to obtain a Special Use Permit on property addressed as 970 Winfield Rd. Petersburg, VA 23803, Tax Parcel Identification Number: 034020003, to operate a Solar Farm. The purpose of the Special Use Permit is to permit the use for a proposed project which is approximately 5MWac solar electric generating facility, which will apply to be considered for the Virginia Community Solar program, increasing the renewable energy generation portfolio, and replacing fossil fuel resources.

All interested persons shall have the opportunity to be heard at said public hearing or may call or email the Department of Planning at: [pcd@petersburg-va.org](mailto:pcd@petersburg-va.org)

A copy of the related material may be examined in the Department of Planning & Community Development in City Hall Room 304, telephone (804)733-2308. The Planning Dept. is open from 8:30am to 5:00pm, Monday - Friday.





**AN ORDINANCE APPROVING AMENDMENTS TO THE TEXT OF THE CITY'S ZONING ORDINANCE REGARDING SOLAR PANELS AND SOLAR FARMS.**

WHEREAS, The City of Petersburg has received requests for land uses that include the installation of Solar Panels on structures and for the establishment; and

WHEREAS, as of 2020, renewable energy account for 12% of U.S. primary energy consumption. Solar accounts for 11% of that 12%, 1.32% of U.S. primary energy consumption. Solar power has the benefit of not producing air pollutants and solar energy systems have a minimal impact on the environment ("Renewable energy explained."); and

WHEREAS, the Virginia Clean Economy Act was approved by the legislature and signed by Governor Northam in April of 2020. This legislative action establishes a plan that aims to transition Virginia's electric grid to 100% clean energy by 2050. A specific part of this plan is to expand access to solar rooftop panels. With the increased attention and resources provided towards ensuring access to solar power options, it is important to provide in the Zoning Ordinance where these panels, small rooftop panels or large solar farms, should be allowed.; and

WHEREAS, Solar Panels, Small are small solar panels that are affixed to a pre-existing structure, commonly a rooftop, and primarily utilized for non-commercial/industrial solar energy harvesting to supplement pre-existing energy sources; and

WHEREAS, solar farms are large solar panels that are typically standalone structures designed to harvest solar energy in large, industrial quantities as a primary energy source; and

WHEREAS, currently there are no definitions in the City's Zoning Ordinance regarding the uses; and

WHEREAS, this is a proposed amendment to Article 3 section 1 of the Petersburg Zoning Ordinance "definitions" to add:

Solar Panel, Small. Non-commercial/industrial solar energy harvesting equipment designed to be affixed to a pre-existing structure to supplement a primary energy source. The use is permitted in all zoning districts and must conform to any current or future laws and regulations regarding electrical energy harvesting, storage, and distribution. If the proposed location is within a historic district, the use is subject to review by the Architectural Review Board. All solar facilities must comply with Code of Virginia Title 15.2, Chapter 22, Article 7, §15.2-2288.7.

Solar Farm. Commercial/Industrial solar energy harvesting equipment designed to function as standalone structures to provide solar energy as a primary source of electric energy.

The use is permitted in A, M-1, and M-2 Zoning Districts, pursuant to an approved Special Use Permit and must conform to any current or future laws and regulations regarding electrical energy harvesting, storage, and distribution. If the proposed location is within a historic district, the use is subject to review by the Architectural Review Board. All solar facilities must comply with Code of Virginia Title 15.2, Chapter 22, Article 7, §15.2-2288.7; and

WHEREAS, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, this is a public hearing to consider approval of the Zoning Ordinance Text Amendments, and the public hearing was advertised, in accordance with applicable laws.

NOW, THEREFORE BE IT ORDAINED, that the City Council of the City of Petersburg hereby approves the Zoning Ordinance Text Amendments.

Ordinance 21-010-68  
adopted by the City of Petersburg Council  
of the City of Petersburg on:  
10/19/2021

  
Clerk of City Council

  
Mayor





**AN ORDINANCE APPROVING A SPECIAL USE PERMIT  
HAVE A SOLAR POWER GENERATION FACILITY AT  
950 (REAR) WINFIELD ROAD, 2134, 2135 AND 2304  
ELLIOTT STREET, T.P. 304-02-0003, 041-04-0001, 041-03-  
0001 AND 057-01-0001, WITH CONDITIONS.**

**WHEREAS**, upon the Petition of Glen Zhou, for a Special Use Permit to have a solar power generation facility; and

**WHEREAS**, upon receipt of a recommendation by the Planning Commission of the City of Petersburg; and

**WHEREAS**, the City Council of the City of Petersburg is of the opinion that a Special Use Permit should be granted on the following property:

That certain parcel, 950 (rear) Winfield Road, 2134, 2135 and 2134 Elliott Street, and further identified as Tax Parcel 034-02-0003, 040-04-0001, 041-03-0001, 057-01-0001.

**NOW, THEREFORE BE IT ORDAINED**, by the City Council of the City of Petersburg, a Special Use Permit is hereby granted to Glen Zhou to have a solar power generation facility, with the following conditions as set forth on the attached:

**Recommendation:**

Staff recommends the following conditions:

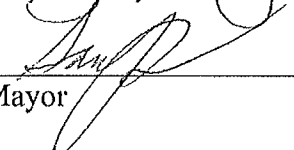
1. Prior to development of the site, a site plan must be approved.
2. The site must meet all the Department of Public Works requirements with respect to access to the site.
3. The size of the use shall not exceed 28 acres.
4. The property shall be maintained in a neat and orderly manner so that the visual appearance from the interstate and adjacent properties is acceptable to City officials.
5. Maintain existing vegetation to buffer the use from adjacent property.
6. The Development Review Team, outside of any complaints, shall have the right to conduct inspections of the property any time to verify compliance with these conditions.
7. Any noise generated by the activity on this site shall be limited to the maximum decibel level allowed by City Code.
8. All Panels, equipment and/or structures associated with the utility use shall be removed from the property within 120 days upon abandonment of the use.
9. All solar panels are to be disposed of according to the laws governing in the State of Virginia. All disposition cost shall be the responsibility of the owner.
10. City Council has the authority to revoke a Special Use Permit if the property owner violate the conditions of the Special Use Permit.

Staff recommends approval of the request for a special use permit to allow for a utility (solar farm) with the 10 conditions.



Ordinance 17-Ord-1  
adopted by the City of Petersburg Council  
of the City of Petersburg on:  
1/3/2017

  
Clerk of City Council

  
Mayor



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** October 4, 2022

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** March Altman, Jr., City Manager  
Tangela Innis, Deputy City Manager  
Brian Moore, Director of Economic Development

**FROM:** Reginald Tabor

**RE:** **A request to schedule a public hearing and consideration of an ordinance approving a petition for a Special Use Permit to establish and operate a stand-alone vehicle repair shop at the property located at 944 E. Wythe Street for October 18, 2022, Regular City Council Meeting. (Page 148)**

**PURPOSE:** To schedule a public hearing and consideration of an ordinance approving a petition for a Special Use Permit to establish and operate a stand-alone vehicle repair shop at the property located at 944 E. Wythe Street for the October 18, 2022, Regular City Council Meeting.

**REASON:** To comply with applicable procedures and laws regarding the approval of Special Use Permits.

**RECOMMENDATION:** It is recommended that the City Council schedules a Public Hearing on October 18, 2022 and considers an Ordinance approving the petition for a Special Use Permit to establish and operate a stand-alone vehicle repair shop at the property located at 944 E. Wythe Street.

**BACKGROUND:** The City of Petersburg Zoning Ordinance establishes zoning districts and permitted uses within each district, as well as the approval of Special Use Permits.

The property located at 944 E Wythe Street, PID: 012210002, is currently zoned B-2, General Commercial District, and the City received a petition submitted by Chris Farag, to obtain a Special Use Permit for a Stand-Alone Vehicle Repair use, which is permitted in B-2 and M-1 Zoning Districts with a Special Use Permit, as required by the Zoning Ordinance.

The subject property totals 2.22 acres, and the previous use was Auto Sales and Repair, and the City's Comprehensive Plan Future Land Use Plan designates the property as Commercial.

Pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, this is a public hearing to

consider approval of the Zoning Amendments, and the public hearing was advertised, in accordance with applicable laws.

The Planning Commission voted during the September 1, 2022 meeting to recommend approval of a Special Use Permit to permit a Stand-Alone Vehicle Repair use at 944 E Wythe Street, PID: 012210002.

**COST TO CITY:** N/A

**BUDGETED ITEM:** N/A

**REVENUE TO CITY:** Revenue from the development and use of the property.

**CITY COUNCIL HEARING DATE:** 10/18/2022

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:** N/A

**AFFECTED AGENCIES:** Economic Development, Planning and Community Development

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:** N/A

**REQUIRED CHANGES TO WORK PROGRAMS:** N/A

**ATTACHMENTS:**

1. 1004\_2022OrdinanceSUP944EWytheSt
2. 0901\_2022CaseReport944EWytheSt



**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR THE PROPERTY  
LOCATED AT 944 E WYTHE STREET TO PERMIT A STAND-ALONE VEHICLE  
REPAIR USE**

WHEREAS, the City of Petersburg Zoning Ordinance establishes zoning districts and permitted uses within each district; and

WHEREAS, the property located at 944 E Wythe Street, PID: 012210002, is currently zoned B-2, General Commercial District; and

WHEREAS, the City received a petition submitted by Chris Farag, to obtain a Special Use Permit for a Stand-Alone Vehicle Repair use, which is permitted in B-2 and M-1 Zoning Districts with a Special Use Permit; and

WHEREAS, the subject property totals 2.22 acres, and the previous use was Auto Sales and Repair; and

WHEREAS, the City's Comprehensive Plan Future Land Use Plan designates the property as Commercial; and

WHEREAS, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, this is a public hearing to consider approval of the Zoning Amendments, and the public hearing was advertised, in accordance with applicable laws; and

WHEREAS, the Planning Commission voted during the September 1, 2022, meeting, to recommend approval of a Special Use Permit to a permit a Stand-Alone Vehicle Repair use at 944 E Wythe Street, PID: 012210002.

NOW THEREFORE BE IT ORDAINED that the City Council of the City of Petersburg hereby approves the Special Use Permit to a permit a Stand-Alone Vehicle Repair use at 944 E Wythe Street, PID: 012210002.



# City of Petersburg

Department of Planning and  
Community Development  
804-733-2308

135 N. Union Street, Room 304  
Petersburg, Virginia 23803  
[srobinson@petersburg-va.org](mailto:srobinson@petersburg-va.org)

TO: Chairman Alexander and Members of the Petersburg Planning Commission

Through: Brian Moore, Director, Economic Development, Planning and Community Development  
Reginald Tabor, Planning Manager

From: Sandra A Robinson, Zoning Administrator

SUBJECT: Case 22-SUP-02

Tax Map Parcel 012210002  
944 E. Wythe Street

Request by Chris Farag, to establish and operate a stand-alone vehicle repair shop, to include general automobile repair shops, truck repair shops, transmission repair shops, engine repair shops, car washes or car washing and detailing operations, and similar facilities, such to be permitted within the B-2 and M-1 zoning districts only under Article 23 of the Zoning Ordinance, Section 4. Special Uses Enumerated, (23). The applicant would also like to be permitted to sell tires and perform alignments and general auto repair services on the subject site. The proposed location is 944 E Wythe Street, Petersburg, VA., further identified as Tax Parcel # 012210002. The subject property is zoned B-2, General Commercial District.

APPLICANT: Chris Farag, 7511 Brook Rd LLC., Richmond, Virginia 23227

DATE: Delivery to the Planning Department on August 11, 2022, for consideration at the September 1, 2022, meeting of the Planning Commission.

## I. APPLICANT'S PROPOSAL

An application for a Special Use Permit was submitted to the Petersburg Department of Planning & Community Development on August 11, 2022, by the applicant Mr. Chris Farag. The initial application included the operation of an automobile dealership, tire sales and alignment services and general auto repair services. The subject property has been utilized for auto related businesses for over 40 years and is currently a vacant lot. The former Colonial Honda automobile dealership was once located on the site but relocated to their current location off I-95 at 2100 Walthall Center Dr. Colonial Heights, Virginia 23834.

Use of the property for auto sells and related uses are permitted by right, if located on parcels greater than one acre in area. Should a parcel be less than an acre, the individual would be required to obtain a Special Use Permit for the establishment of a used auto sells business. According to city Assessor's Department information the subject parcel is 2.222 acres. There has been several approved Special Use Permits granted in the past for the subject property; SUP 2007-09, Larry Henshaw, dba South Plains Inc. and Mark Specter, (lesser) agent for

Michael Bouchard, dba Southern Ski Boats Company (lessee) to operate a boat dealership for sale of new and used boats and related equipment and supplies in addition to the servicing and repair of boats/watercraft products. SUP 2009-08, an amendment request was made from Lora Bouchard, representative of Southern Ski Boats to the existing Special Use Permit (Ordinance 07-ORD-96) to expand services to include body/paint work on passenger vehicles and light trucks, the sandblasting of fabricated metal structures and similar objects.

Property at 946 E Wythe St, J.C.'s Auto Center LLC., operates an auto repair center formerly granted to William A Powell, Jr., trading as Powell's Body shop an Automotive Collision Repair Business was granted approval of SUP 2007-11 with conditions (07-ORD-97) adopted 10-23-07.

The subject property and surrounding properties along E Wythe Street are zoned B-2, General Commercial District, R-2, Single-Family Residence District, R-3, Two-Family Residence District and M-1, Light Industrial District.

## II. CHARACTER OF THE AREA

The subject property and surrounding properties have been the location of automobile sales and service establishments over several decades. The area has seen a shift from new auto sales to used auto sales and repair businesses to include towing and auto body shops, collision, and painting businesses. New car dealerships have relocated outside of the city to highly visible locations off Interstate-95 at the Walthall Exit within Chesterfield County, Virginia.

The subject property has one structure located along the eastern portion of the site which can and will be utilized as a business office and garage services, tire sells and wheel alignments initially. The applicant currently has a place of business in Henrico County, Virginia which he performs wheel alignments and tire sells. The applicant has stated that in terms of the sale of tires he would primarily only store certain tires on the property, but it would not be anywhere near 200 tires on the site as he would order the customers tires through his current business in Henrico County. Article 23, Supplementary Use Regulations Section 4. Special Uses Enumerated (14) states the following:

Operations involving shredding, cutting, or otherwise processing of used or discarded tires, or operations involving the storage, distribution, or sale of used tires or discarded tires if more than two hundred (200) such tires are located on site, even if such operation is ancillary to the main use of the site. Notwithstanding any other regulations within this article, these uses may only be permitted in M-1 and M-2 zoning districts. Tire sales is permitted as a commercial business when the sale of tires is maintained under the 200-count limit.

East of Old Wythe Street and E Washington Street is a used auto sells lot and repair business. The structure was formerly utilized as a bank but converted to an auto sales and service business. There are three residences located to the immediate east of the subject property and several single-family residences in the vicinity along Old Wythe Streets, Accomack, Center, 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> Streets and to the west along Eastover, N Burch, N Foley Streets.

The area is comprised of hotel/motels and several service stations/ convenience stores along Washington, and Wythe Street and the Crater Rd corridor. The subject location and request for a SUP appears to be for the expansion of services within the community, the area currently is and always has been utilized for the purpose of automotive related uses and activities. There is adequate space for the owner to position vehicles for sale on the lot. The lot will afford the applicant an opportunity to if desired to build a new office structure with a display or showcase area on the property.



### III. ZONING ORDINANCE

Article 23 of the Zoning Ordinance provides that "certain uses may be desirable when located within the community, but that these uses may be incompatible with other uses permitted in a district, certain special uses listed in Section 4. when found to be in the interest of the public health, safety, morals, and general welfare of the community, may be permitted... Before (the use is allowed), preliminary plans in sufficient detail, and a statement as to the proposed use of the buildings, structures, and premises, shall be submitted to the Planning Commission. The Commission shall hold a public hearing as provided for in Article 28, and shall review such plans and statements and shall, after a careful study thereof and of the effect that such buildings, structures, or uses shall have upon the surrounding territory, submit a recommendation to the City Council within thirty (30) days following said hearing. Following receipt of the Commission's report, the city council may permit such buildings, structures, or uses, where requested, providing that the public health, safety, morals, and general welfare will not be adversely affected, that ... ample safeguards will be provided for the protection of surrounding property, persons, and neighborhood values."

Article 23 covers the following: (23) Stand-alone vehicle repair, to include general automobile repair shops, truck repair shops, transmission repair shops, engine repair shops, car washes or car washing and detailing operations, and similar facilities, such to be permitted within the B-2 and M-1 zoning districts only.

The applicant is not required to obtain a Special Use Permit for the sale of used automobiles or tires as the property is 2.222 acres, greater than one acre and there will be less than 200 tires located on the premises at any given time that business is conducted.

### III. FINDINGS

An Ordinance (07-Ord-96) granted a Special Use Permit, with conditions, to Larry Henshaw property owner and lessor, Michael Bouchard, dba Southern Ski Boats Company, to establish and operate a boat dealership for the sale of new and used boats/watercraft and related equipment /supplies, and to include the servicing and repair of boats and watercraft at property addressed as 944 E Wythe Street, further identified as Tax Parcel # 012210002.

Article 23 of the Zoning Ordinance, Section 4. (23) provides that the City Council may approve the establishment of a stand-alone vehicle repair, to include general automobile repair shops, truck repair shops, transmission repair shops, engine repair shops, car washes or car washing and detailing operations, and similar facilities, such to be permitted within the B-2 and M-1 zoning districts only.

The applicant is not required to obtain a Special Use Permit for the sale of used automobiles or tires as the property is 2.222 acres, greater than one acre and there will be less than 200 tires located on the premises at any given time that business is conducted.

Adjacent properties are currently operating similar types of businesses if not the same and the property has always been utilized for automotive purposes.

Although the petitioner has not submitted a landscape plan or a conceptual site plan as to how the existing building and property will be situated staff will require the applicant to meet with the Development Review Team (DRT) to ensure that all areas be considered involving the parking arrangement for vehicles and clear

delineation of spaces, signage, exterior lighting, appropriate containment and disposal of oil and grease waste products will be required which they will need to obtain all necessary state and/or federal permits and licenses the facility should not adversely impact the Department of Public Works facilities or services.

#### V. RECOMMENDATION

The Department of Planning and Community Development will withhold making final recommendation until after the public hearing. However, it is recommended that the Planning Commission impose the following conditions attached:

#### VI. EXHIBITS

- Tax Parcel Map Extract
- Zoning Map Extract
- Applicants Petition
- Public Notification Information



# City of Petersburg Planning Commission Agenda Item

Case No: 22-SUP-02  
 Public Hearing Date: September 1, 2022  
 Property Address: 944 E Wythe Street  
 Agent: Mr. Chris Farag

Request	Staff Recommendation
Special Use Permit	Approve

**Summary of Proposal**  
 This is a request for a Special Use Permit for the property located at 944 E Wythe Street to permit the sale of tires and general auto repair services on the subject site.

Parcel ID	Acreage	Current Zoning Designation
012210002	2.22 Acres	B-2 General Commercial District

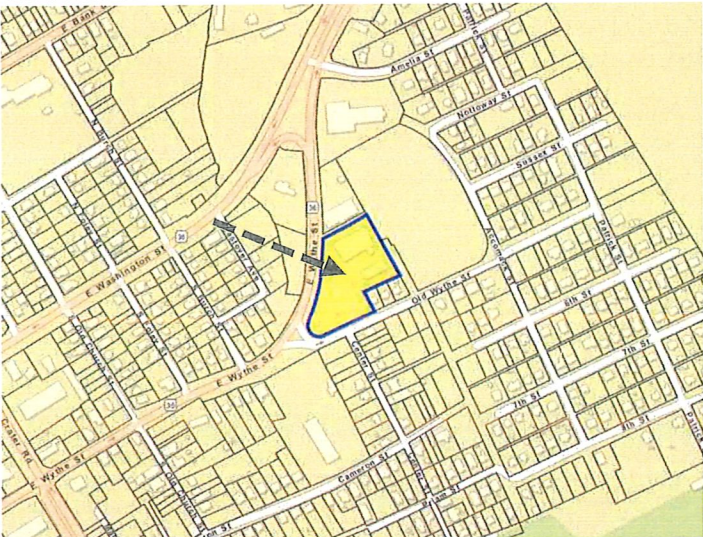
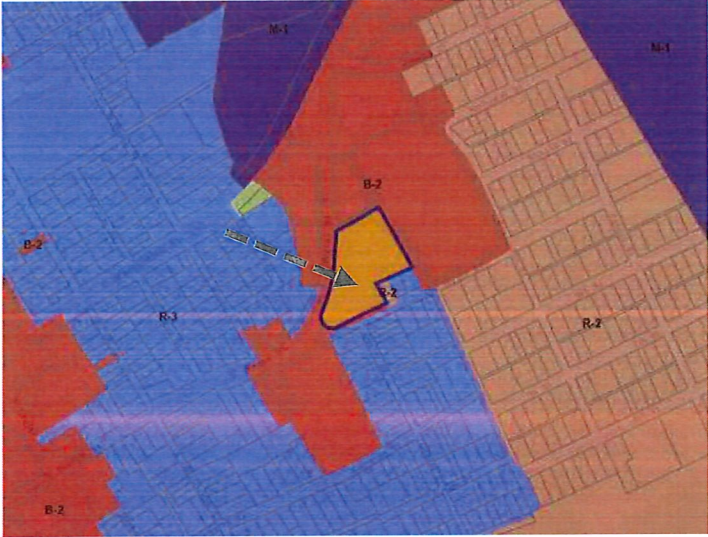

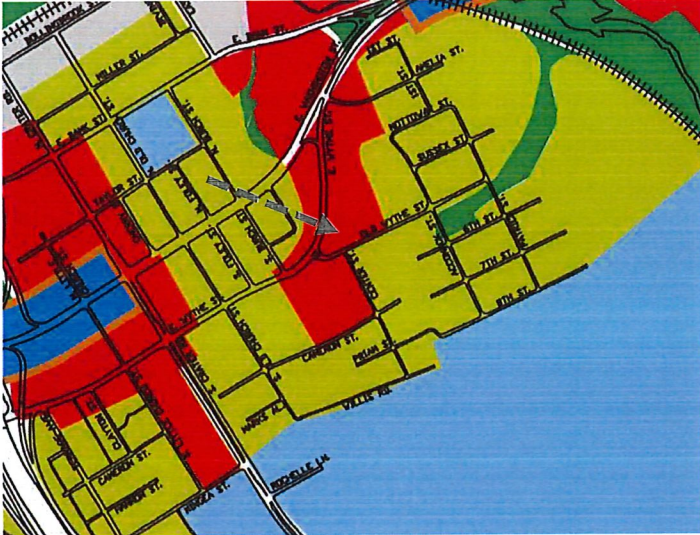



Photo	Comprehensive Plan Designation
Adjacent Land Use: Commercial, Residential 	Future Land Use: Commercial 





# City of Petersburg

Department of Planning and  
Community Development  
804-733-2308

135 N. Union Street, Room 304  
Petersburg, Virginia 23803  
srobinson@petersburg-va.org

## Conditions of Special Use Permit

Chris Farag

944 East Wythe Street

TP# 012210002

1. This Special Use Permit shall be issued to Chris Farag, owner operator of an automotive sales business, 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 of such new dealership, located upon the subject 2.222 parcel of land, which is a by right use within the within the B-2 and M-1, zoning districts only as the parcel of land is in excess of an acre. In addition to the sale of tires under a limit of 200 tires stored on the property is permitted by right without the need for a Special Use Permit. The SUP is specifically for a stand-alone vehicle repair, to include general automobile repair shops, truck repair shops, transmission repair shops, engine repair shops, car washes or car washing and detailing operations, and similar facilities, 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.
2. Vehicles for servicing shall not be parked, stored, or displayed on the right-of-way of any adjacent street or along East Wythe Street.
3. Any vehicle not capable of operation 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 it be deemed permissible for the subject business, or businesses with which the subject business may share a location, to operate a scrap or junkyard. No outside storage of vehicle components, plastic materials, glass, used or waste tires is permitted. Tires being sold at the property should be stored in the building at the close of business each evening.

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 shall be in a designated parking space.
7. Notwithstanding the issuance of any business licenses 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 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 containers 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.
11. The Collection and disposition of engine fluids shall be done in accordance with local, state, and federal standards, regulations, or laws.
12. Violation of the conditions attached to this Special Use Permit may be cause for revoking of the Permit.



# City of Petersburg

Department of Planning and  
Community Development  
804-733-2308

135 N. Union Street, Room 304  
Petersburg, Virginia 23803  
srobinson@petersburg-va.org

August 23, 2022

## 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:

Notice is hereby given to all interested persons the City of Petersburg Planning Commission will hold public hearings on Thursday, September 1, 2022, beginning at 6:30 p.m. in the Petersburg Public Library located at 201 W. Washington Street, Petersburg, Virginia 23803.

**22-SUP-02:** Request by Chris Farag, to establish and operate a stand-alone vehicle repair, to include general automobile repair shops, truck repair shops, transmission repair shops, engine repair shops, car washes or car washing and detailing operations, and similar facilities, such to be permitted within the B-2 and M-1 zoning districts only under Article 23 of the Zoning Ordinance, Section 4. Special Uses Enumerated, (23). The applicant would also like to be permitted to sell tires and perform alignments and general auto repair services on the subject site. The proposed location is 944 E Wythe Street, Petersburg, VA., further identified as Tax Parcel # 012210002. The subject property is zoned B-2, General Commercial District.

All interested persons shall have the opportunity to be heard at said public hearing or may call or email the Department of Planning at: [pcd@petersburg-va.org](mailto:pcd@petersburg-va.org)

A copy of the related material may be examined in the Department of Planning & Community Development in City Hall Room 304, telephone (804)733-2308. The Planning Dept. is open from 8:30am to 5:00pm, Monday - Friday.





## City of Petersburg

### Department of Planning and Community Development

#### **PROCEDURES FOR PETITION FOR REZONINGS OR SPECIAL USE PERMITS**

1. Applicant files petition with the Petersburg Department of Planning and Community Development, City Hall, 135 N Union Street, Petersburg, Virginia 23803.
2. **The Filing fee for Petitions for Rezoning or Special Use Permits is \$1,500.** A Check or Money Order *made payable to the City of Petersburg* is to accompany the application.
3. A Plat of the property must also accompany the petition.
4. The Department of Planning and Community Development Staff will refer the petition to the Planning Commission to hold a public hearing and consideration the petition. Department of Planning and Community Development staff shall advertise the public hearing twice during a fourteen-day period, and the Planning Commission will hold a public hearing, and make a recommendation to the City Council regarding the petition.
5. The City Council schedules then advertises a public hearing regarding the petition.
6. The City Council holds a public hearing then considers the petition with the Planning Commission recommendation and renders a final decision to approve or disapprove the petition.

*PLEASE NOTE: The rezoning or special use permit process may take up to three months.*

# PETITION FOR REZONING OR SPECIAL USE PERMIT

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

CASE NUMBER: \_\_\_\_\_

APPLICANT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

7511 Brook Rd LLC / CHRIS FARAG

I, CHRIS FARAG hereby petition to rezone the following described properties  
from zoning district SUP to zoning district \_\_\_\_\_

A. DESCRIPTION OF PROPOSED USE: (ATTACH ADDITIONAL DOCUMENTS IF NECESSARY)

AUTO DEALERSHIP / TIRE <sup>SALES</sup> ALIGNMENT  
GENERAL AUTO REPAIR SERVICES

B. PROPERTY INFORMATION

1. Tax Parcel Identification Number(s):

012210002

2. Current Street Address(es) if assigned:

944 E WYTHE ST

3. Approximate Area:

4000

sq. ft.

2.7

acres

4. Public Street Frontage:

ft.

5. A boundary plat of this property outlining the area to be rezoned must be attached to this petition.

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

7. Brief:

Said deed restrictions will expire on:

C. JUSTIFICATION FOR REZONING

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

THIS AREA OF WYTHE STREET IS  
SURROUNDED BY SIMILAR USES AND  
HAS BEEN IN MOST OF ITS HISTORY

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).

SIMILAR OR SAME USE AS SURROUNDING  
BUILDINGS

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).

WILL IMPROVE THE GENERAL AREA  
FROM BEING VACANT. WE WILL SERVE  
LOCAL COMMUNITY FOR AUTO NEEDS  
WHILE GENERATING LOCAL TAX REVENUE

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 SUP IS REQUIRED TO COMPLY WITH  
CITY CODE BECAUSE OF AUTO USE



**D. CERTIFICATION:**

The undersigned applicant certifies that they:

OWNER (a) are the owner, lessee or agent for (specified in writing)

\_\_\_\_\_ (b) possess a proprietary interest in (contract or option agreement)

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

Signed:

CA

Mailing Address:

12714 BAY HILL DRIVE

CHESTER, VIRGINIA

Phone Number:

(804) 909-0949

Email Address:

CMFARAG@YAHOO.COM

CMFARAG@YAHOO.COM

APPROVED

\_\_\_\_\_  
City Attorney

TO BE FILED IN THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

**ACTION RECORD**

Date Filed (with Planning Department):

8/11/2022

Date of Planning Commission Public Hearing:

9/1/2022

Planning Commission Action(s):

Date of City Council Hearing:

City Council Action(s):

**Property Owner(s): Adjacent to Affected Property**

**Address(es)**

[illegible]

**For additional names, use back of sheet**



# Petersburg, Virginia

Parcel:

012210002

## Summary

Owner Name	7511 BROOK ROAD LLC	National Historic District:	
Owner Mailing Address	7305 BROOK RD RICHMOND, VA 23227	Enterprise Zone:	
Property Use	485	Opportunity Zone:	51730810100
State Class:	4 Commercial and Industrial	VA Senate District:	16
Zoning:	B-2	Va House District:	63
Property Address	944 E WYTHE ST Petersburg, VA	Congressional District:	4
Legal Acreage:	2.222	City Ward:	1
Legal Description:	2.222 ACRES	Polling Place:	Blandford Academy
Subdivision:	Cox	Primary Service Area:	
Assessment Neighborhood Name:		Census Tract:	8101
Local Historic District:		Elementary School:	Lakemont
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

## Improvements

Finished (Above Grade):		Shed:	3403
Basement:		Total Rooms:	
Attached Garage:		Bedrooms:	
Detached Garage:		Full Baths:	
Enclosed Porch:		Half Baths:	
Open Porch:		Foundation:	
Deck/Patio:		Central A/C:	

## Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
FARAG, CHRISTOPHER M	9/3/2020	\$0	2020/2219
CMF PROPERTY & LEASING LLC,	9/3/2020	\$0	2020/2203
SOUTH PLAINS INC,	10/4/2019	\$185,000	2019/2576

## Assessments

Valuation as of	01/01/2018	01/01/2019	01/01/2020	01/01/2021	01/01/2022
Effective for Billing:	07/01/2018	07/01/2019	07/01/2020	07/01/2021	07/01/2022
Reassessment					
Land Value	\$230,400	\$230,400	\$230,400	\$193,700	\$193,700
Improvement Value	\$	\$	\$34,400	\$34,400	\$90,400
Total Value	\$230,400	\$230,400	\$264,800	\$228,100	\$284,100

## Property Tax (Coming Soon)

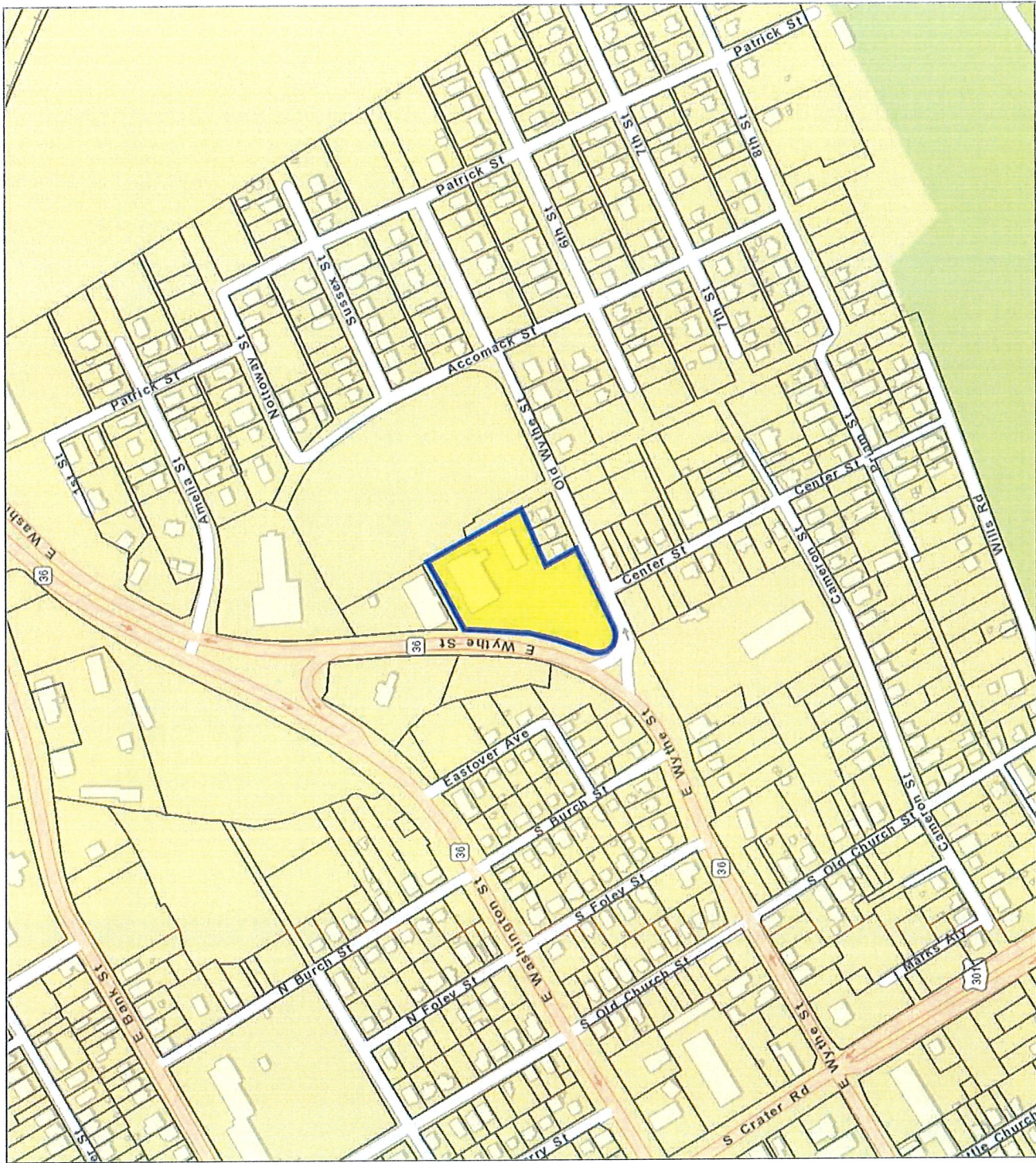
DISCLAIMER: This data is provided without warranty of any kind, either expressed or implied, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Any person, firm or corporation which uses this map or any of the enclosed information assumes all risk for the inaccuracy thereof, as County of Petersburg expressly disclaims any liability for loss or damage arising from the use of said information by any third party.



# Petersburg, Virginia

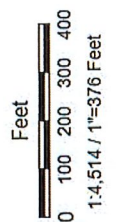
## Legend

- County Boundaries
- Parcels



Parcel #: 012210002

Date: 8/11/2022



DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and City of Petersburg is not responsible for its accuracy or how current it may be.





# Petersburg, Virginia

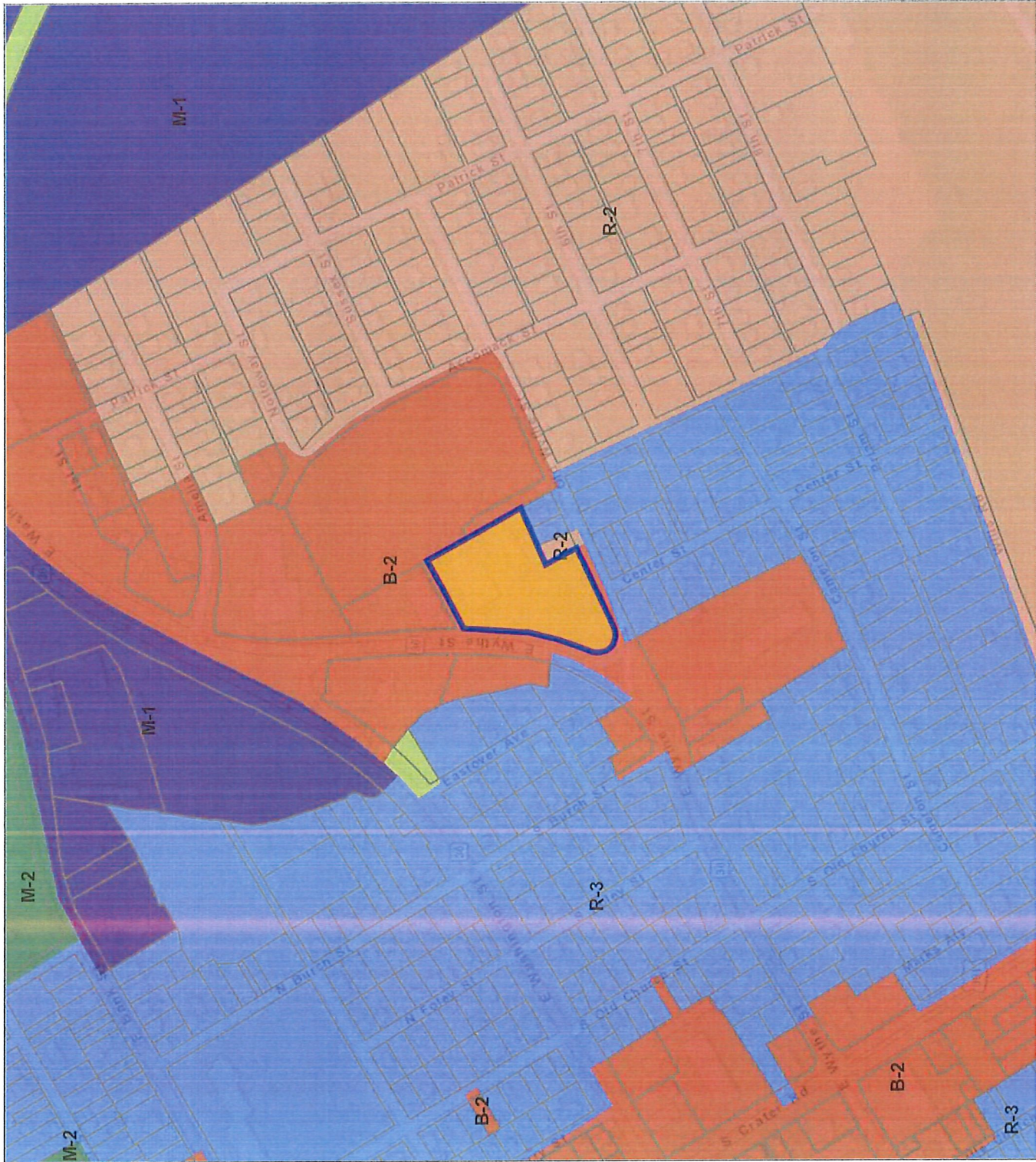
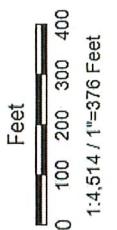
## Legend

County Boundaries

Parcels

Zoning

- |   |   |   |     |   |     |   |     |   |     |   |     |   |      |   |      |   |     |   |     |   |      |   |     |   |     |   |     |   |     |   |     |   |    |   |     |   |     |   |
|---|---|---|-----|---|-----|---|-----|---|-----|---|-----|---|------|---|------|---|-----|---|-----|---|------|---|-----|---|-----|---|-----|---|-----|---|-----|---|----|---|-----|---|-----|---|
|  | A |  | B-1 |  | B-2 |  | B-3 |  | M-1 |  | M-2 |  | MXD1 |  | MXD2 |  | PUD |  | R-1 |  | R-1A |  | R-2 |  | R-3 |  | R-4 |  | R-5 |  | R-6 |  | RB |  | RMH |  | RTH |  |
|---|---|---|-----|---|-----|---|-----|---|-----|---|-----|---|------|---|------|---|-----|---|-----|---|------|---|-----|---|-----|---|-----|---|-----|---|-----|---|----|---|-----|---|-----|---|



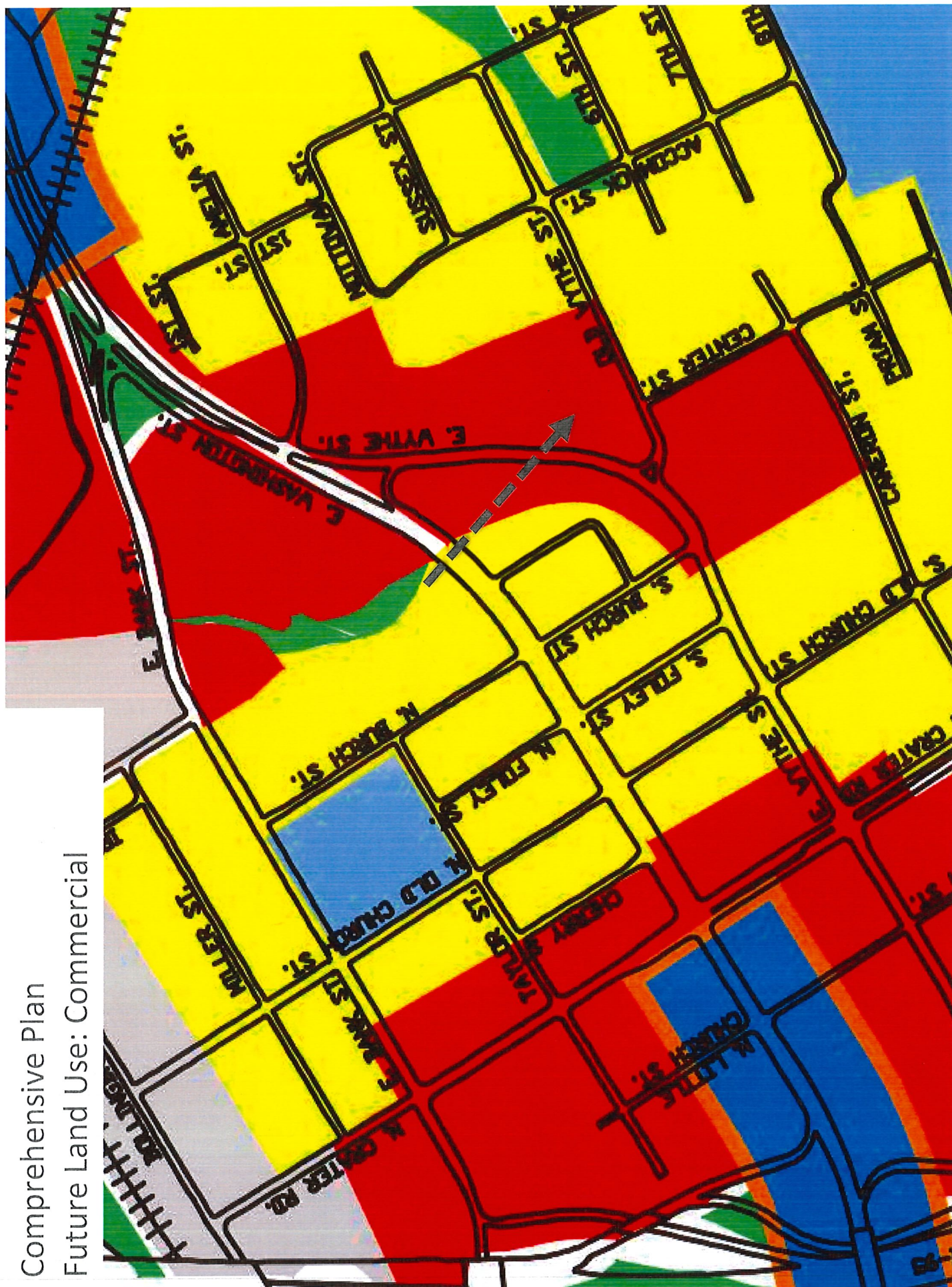
Parcel #: 012210002

Date: 8/12/2022

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and City of Petersburg is not responsible for its accuracy or how current it may be.



Comprehensive Plan  
Future Land Use: Commercial





Aerial Photo – 944 E Wythe Street



© All Earth

## RESOLUTION OF THE PLANNING COMMISSION

**WHEREAS**, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, the Planning Commission of the City of Petersburg, Virginia has held a public hearing to consider a request from Lora Bouchard, CFO/Lessee, dba Southern Ski Boats Company, to amend an existing Special Use Permit (Ordinance 07-Ord-96) to expand the services permitted by the existing Special Use Permit to include body/paint work on passenger vehicles and light trucks, sandblasting of fabricated metal structures and similar objects, on the following described property:

*“that certain 1.781± acre parcel of land situate and being in the City of Petersburg, on the eastern line of East Wythe Street, with approximately three hundred (300') feet of frontage along East Wythe Street, addressed as 944 East Wythe Street and further identified as p/oTax Parcel 012-21-0002”; and*

**WHEREAS**, the Planning Commission has reviewed the current request and has given interested citizens and other parties the opportunity to comment on the request; and

**WHEREAS**, the Petitioner, Lora Bouchard, is currently operating a boat dealership for the sale of new and used boats/watercraft and related equipment/supplies, and the servicing and repair of boats/watercraft, doing business as Southern Ski Boats Company at the subject location; and

**WHEREAS**, the Planning Commission has received opposition to the subject request from an adjacent property/business owner (Keith Powell, dba Classic Body Shop) regarding the “economical impact granting this special use permit may have on mine and other car body shops in the surrounding area”; and

**WHEREAS**, the Planning staff and Planning Commission have recommended conditions that are incorporated herein (attached), that are intended to mitigate against any potential for adverse impact on surrounding properties and persons from the proposed use; and

**WHEREAS**, the Planning Commission has determined that the issuance of the requested **Special Use Permit** will not adversely affect the public health, safety, morals and general welfare if operated in compliance with the conditions that are attached hereto and made a part of the **Special Use Permit**.

**THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Petersburg, Virginia recommends to City Council that Ordinance 07-Ord-96 (Ref: SUP 2007-09) is recommended to be amended and reordained to allow body/paint work on passenger vehicles and light trucks, sandblasting of fabricated metal structures and similar objects at the above referenced location, by the inclusion of the conditions attached hereto.

*I, Leonard A. Muse, Secretary to the Planning Commission of the City of Petersburg, do hereby certify that the foregoing action was taken by said Commission at its meeting held on Wednesday, September 2, 2009.*

SUP 2009-08

---

Leonard A. Muse, Secretary  
Planning Commission



**Proposed Conditions for inclusion in Amended Special Use Permit (Ordinance 07-Ord-96)**

944 East Wythe Street  
Petersburg, Virginia 23803  
Tax Parcel 012-21-0002  
**Re: SUP 2009-08**

Ordinance 07-Ord-96 (Ref: SUP 2007-09) is recommended to be amended and reordained to include the following conditions to allow body/paint work on passenger vehicles and light trucks, sandblasting of fabricated metal structures and similar objects at the above referenced location.

1. Passenger vehicles, light trucks, other metal structures and similar objects that are to be worked on at the subject business shall not be parked, stored or displayed on the right-of-way of East Wythe Street, including any sidewalk, nor shall such vehicles, metal structures and similar objects be displayed, parked or stored on the portion of Tax Parcel 012-21-0002 situated on the north side of East Wythe Street.
2. All passenger vehicles, light trucks, fabricated metal structures and similar objects under repair, shall be stored in enclosed buildings. Such storage shall not be provided in fenced in areas open to the weather;
3. All body/paint work on passenger vehicles and light trucks, sandblasting of fabricated metal structures and similar objects shall be conducted within an enclosed and properly ventilated space.
4. This Special Use Permit shall not be transferable upon change in business ownership. Should the boat sales use discontinue for a period of one year or more for any reason, the Special Use Permit shall terminate. Should the automotive repair use discontinue for a period of one year or more for any reason, the Special Use Permit provisions allowing such use shall become null and void.

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT, WITH CONDITIONS, TO LARRY L. HENSHAW, PROPERTY OWNER AND LESSOR, TO ALLOW HIS LESSEE, MICHAEL BOUCHARD, D/B/A SOUTHERN SKI BOATS COMPANY, TO ESTABLISH AND OPERATE A BOAT DEALERSHIP FOR THE SALE OF NEW AND USED BOATS/WATERCRAFT AND RELATED EQUIPMENT/SUPPLIES, AND THE SERVICING AND REPAIR OF BOATS/WATERCRAFT AT PROPERTY ADDRESSED AS 944 EAST WYTHE STREET, FURTHER IDENTIFIED AS TAX PARCEL 012-21-0002.**

---

**WHEREAS**, upon the petition of Larry L. Henshaw, d/b/a South Plains, Inc., property owner, for a Special Use Permit, with conditions, to allow Michael Bouchard, d/b/a Southern Ski Boats Company, to establish and operate a boat dealership for the sale of new and used boats and related equipment/supplies, and the servicing and repair of boats/watercraft at property addressed as 944 East Wythe Street, and further identified as Tax Parcel 012-21-0002; and

**WHEREAS**, a public hearing having been held pursuant to notice, as required by law, giving citizens and other parties the opportunity to comment on the request, and no opposition being expressed regarding its appearance and visual impact from surrounding neighborhoods; and

**WHEREAS**, the Planning Commission determined that the issuance of the requested Special Use Permit will not adversely affect the public health, safety, morals, and general welfare if operated in compliance with the conditions that are attached hereto and made a part hereof; and

**WHEREAS**, the Planning Commission has recommended conditions that are incorporated herein that are intended to mitigate against any potential for adverse impact on surrounding properties and persons from the proposed use; and

**WHEREAS**, upon receipt of a recommendation by the Planning Commission of the City of Petersburg to approve the requested Special Use Permit, with conditions; and

**WHEREAS**, the City Council of the City of Petersburg is of the opinion that a Special Use Permit should be granted, with conditions, on the following property:

that certain 1.781 +/- acre parcel of land situate and being in the City of Petersburg, on the eastern line of East Wythe Street, with approximately three hundred (300') feet of frontage along East Wythe Street, addressed as 944 East Wythe Street and further identified as p/o Tax Parcel 012-21-0002;

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Petersburg, that a Special Use Permit is hereby granted to Larry L. Henshaw, property owner and Lessor, to allow Michael Bouchard, d/b/a Southern Ski Boats Company, Lessee, to establish and operate a boat/watercraft dealership and service business, as described above, at the subject property, with the conditions attached hereto and made a part hereof.



944 East Wythe Street  
Petersburg, Virginia 23803  
Tax Parcel 012-21-0002  
**Re: SUP 2007-09**

1. Boats, watercraft, trailers or other related items for sale by the subject business shall not be parked, stored or displayed on the right-of-way of East Wythe Street, including any sidewalk, nor shall sale items be displayed or parking allowed on the north side of East Wythe Street without an improved surface of asphalt or similar material as per Article 19 of the Zoning Ordinance;
2. Signage shall be limited to the following: Window treatments as proffered by applicant upon submission of sign permit application. Total combined size of all signs shall not exceed 150 square feet as per Article 21 of the Zoning Ordinance. The placement/replacement of any sign on the subject property shall be reviewed upon submission of a sign permit application, and compatibility with the neighboring commercial district taken into account in approval of such permit. Any pole type sign shall not exceed 25 feet in height at its highest point. Prohibited signs include those above the building roof line, any manner of flags, banners, pennants or similar devices and portable signs as well as general temporary signs. The applicant may display temporary special event signs upon submission and approval of a sign permit application;
3. All boats or trailers under repair, that meaning with notably visible damage to vehicle exterior, shall be stored in enclosed buildings. Such storage shall not be provided in fenced in areas open to the weather;
4. In no case shall it be deemed permissible for the subject business, or businesses with which the subject business may share a location, to operate a scrap or junkyard. No outside storage of vehicle/boat components, metal scrap, plastic materials, glass, used or waste tires is permitted;
5. Collection and disposition of engine fluids shall be done in accordance with local, state and federal standards, regulation or laws;
6. A lighting plan shall be submitted to and approved by the Department of Planning/CD prior to installation of any exterior lighting. Such plan shall specifically indicate measures to prevent glare on adjoining properties and the prevention of light pollution;
7. Landscaping and a landscape plan shall be provided to and approved by the Department of Planning/CD. Structural material used for fence screening or accessory buildings shall be suitable in design and in context with adjacent buildings. This plan should specify plant material appropriate for this climate and seasonal variation. Plants should be attractively maintained in a manner such that it appears not to grow wildly, and kept trim along the street frontage so as not to block visibility from vehicles entering and exiting the property. Small areas of flowers are suggested to break-up solid asphalt surfacing;
8. Off-street parking spaces shall be provided, in accordance with the regulations of Zoning Ordinance, Article 19. Parking spaces shall be provided and designated with appropriate markings as customer parking as shown on a parking plan submitted by the applicant. These spaces shall not be used for the parking of boats/watercraft under repair;

9. This Special Use Permit shall not be transferable upon change in business ownership. Should the boat sales use discontinue for a period of one year or more for any reason, the Special Use Permit shall terminate;
10. Other applicant proffered conditions accepted upon approval of the Special Use Permit;
11. Violation of the conditions attached to this Special Use Permit may be cause for revoking of Permit.

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT, WITH CONDITIONS, TO WILLIAM A. POWELL, JR. TO ESTABLISH AND OPERATE AN AUTOMOTIVE COLLISION REPAIR BUSINESS AT PROPERTY ADDRESSED AS 946 EAST WYTHE STREET, FURTHER IDENTIFIED AS TAX PARCEL 012-21-0800.**

---

**WHEREAS**, upon the petition of William A. Powell, Jr., trading as Powell's Body Shop, Lessee, for a Special Use Permit, with conditions, to allow the establishment and operation of an automotive collision repair business at property addressed as 946 East Wythe Street, and further identified as Tax Parcel 012-21-0800; and

**WHEREAS**, a public hearing having been held pursuant to notice, as required by law, giving citizens and other parties the opportunity to comment on the request, and no opposition being expressed regarding its appearance and visual impact from surrounding neighborhoods; and

**WHEREAS**, the Planning Commission determined that the issuance of the requested Special Use Permit will not adversely affect the public health, safety, morals, and general welfare if operated in compliance with the conditions attached hereto and made a part hereof; and

**WHEREAS**, the Planning Commission has recommended conditions that are incorporated herein that are intended to mitigate against any potential for adverse impact on surrounding properties and persons from the proposed use; and

**WHEREAS**, upon receipt of a recommendation by the Planning Commission of the City of Petersburg to approve the requested Special Use Permit, with conditions; and



**WHEREAS,** the City Council of the City of Petersburg is of the opinion that a Special Use Permit should be granted, with conditions, on the following property:

that certain 0.786 +/- acre parcel of land situate and being in the City of Petersburg, on the eastern line of East Wythe Street, with approximately one hundred forty-two (142') feet of frontage along East Wythe Street, addressed as 946 East Wythe Street, and further identified as Tax Parcel 012-21-0800;

**NOW, THEREFORE, BE IT ORDAINED,** by the City Council of the City of Petersburg, that a Special Use Permit is hereby granted to William A. Powell, Jr., lessee, to establish and operate an automotive collision repair business, as described above, at the subject property, with the conditions attached hereto and made a part hereof.

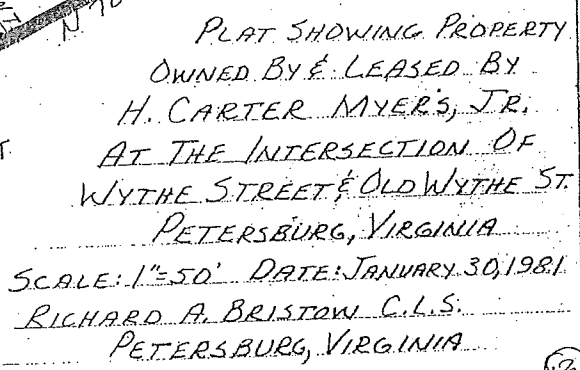
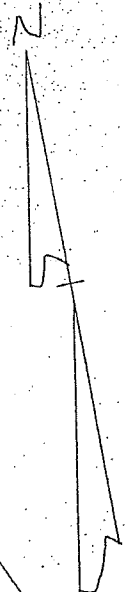
**Recommended Conditions of Special Use Permit**

946 East Wythe Street  
Petersburg, Virginia 23803  
Tax Parcel 012-21-0800  
**Re: SUP 2007-11**

1. Vehicles awaiting or having been repaired by the subject business shall not be parked, stored or displayed on the right-of-way of East Wythe Street, including any sidewalk;
2. Signage shall be limited to the following: Window treatments as proffered by applicant upon submission of sign permit application. Total combined size of all signs shall not exceed 150 square feet. The placement of any sign on the subject property shall be reviewed upon submission of a sign permit application, and compatibility with the neighboring commercial district taken into account in approval of such permit. Any pole type sign shall not exceed 20 feet in height at its highest point. Prohibited signs include those above the building roof line, any manner of flags, banners, pennants or similar devices and portable signs as well as general temporary signs. The applicant may display temporary special event signs upon submission and approval of a sign permit application;
3. All vehicles under repair, that meaning with notably visible damage to vehicle exterior, shall be stored in enclosed buildings. Such storage shall not be provided in fenced in areas open to the weather;
4. In no case shall it be deemed permissible for the subject business, or businesses with which the subject business may share a location, to operate a scrap or junkyard. No outside storage of vehicle components, metal scrap, plastic materials, glass, used or waste tires is permitted;
5. Collection and disposition of engine fluids shall be done in accordance with local, state and federal standards, regulation or laws;
6. A lighting plan shall be submitted to and approved by the Department of Planning/CD prior to installation of any exterior lighting. Such plan shall specifically indicate measures to prevent glare on adjoining properties and the prevention of light pollution;
7. A landscape plan shall be provided to and approved by the Department of Planning /CD. Structural material used for fence screening or accessory buildings shall be suitable in design and in context with adjacent buildings. This plan should specify plant material appropriate for this climate and seasonal variation. Plants should be attractively maintained in a manner such that it appears not to grow wildly, and kept trim along the street frontage so as not to block visibility from vehicles entering and exiting the property;
8. Off-street parking spaces shall be provided, in accordance with the regulations of Zoning Ordinance, Article 19. Parking spaces shall be provided and designated with appropriate markings as customer parking as shown on parking plan submitted by the applicant. These spaces shall not be used for the parking of vehicles under repair;
9. This Special Use Permit shall not be transferable upon change in business ownership. Should the vehicle repair use discontinue for a period of one year or more for any reason, the Special Use Permit shall terminate;

10. Other applicant proffered conditions accepted upon approval of the Special Use Permit;
11. Violation of the conditions attached to this Special Use Permit may be cause for revoking of Permit.







# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** October 4, 2022

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** March Altman, Jr., City Manager  
Tangela Innis, Deputy City Manager  
Brian Moore, Director of Economic Development

**FROM:** Reginald Tabor

**RE:** **A request to schedule a public hearing and consideration of an Ordinance approving a petition for a Special Use Permit to construct a telecommunication monopole tower on the property located at 2320 W. Washington Street for October 18, 2022, Regular City Council Meeting. (Page 181)**

**PURPOSE:** To schedule a public hearing on October 18, 2022 and consideration of an ordinance approving a petition for a Special Use Permit to construct a telecommunication monopole tower on the property located at 2320 W. Washington Street.

**REASON:** To comply with applicable procedures and laws regarding the approval of Special Use Permits.

**RECOMMENDATION:** It is recommended that the City Council schedules a Public Hearing on October 18, 2022 and considers an Ordinance approving the petition for a Special Use Permit to construct a telecommunication monopole tower on the property located at 2320 W. Washington Street.

**BACKGROUND:** The City of Petersburg Zoning Ordinance establishes zoning districts and permitted uses within each district, and approval of Special Use Permits.

The property located at 2320 W Washington Street, PID: 027060801, is currently zoned M-1, Light Industrial District, and the City received a petition submitted by John R. Sindlya, Esq. Agent for City Switch II, LLC, to obtain a Special Use Permit for a 205' Monopole Telecommunications Tower, which is permitted in any Zoning District with a Special Use Permit.

The subject property totals .56 acres, and is the former location of a railroad, and the City's Comprehensive Plan Future Land Use Plan designates the property as Residential.

Pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, this is a public hearing to

consider approval of the Zoning Amendments, and the public hearing was advertised, in accordance with applicable laws.

The Planning Commission, during the September 1, 2022 meeting, approved a resolution recommending approval of a Special Use Permit to permit the construction of a Monopole Telecommunications Tower at 2320 W Washington Street, PID: 027060801.

**COST TO CITY:** N/A

**BUDGETED ITEM:** N/A

**REVENUE TO CITY:** Revenue from the development and use of the property.

**CITY COUNCIL HEARING DATE:** 10/18/2022

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:** N/A

**AFFECTED AGENCIES:** Economic Development, Planning and Community Development

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:** N/A

**REQUIRED CHANGES TO WORK PROGRAMS:** N/A

**ATTACHMENTS:**

1. 1004\_2022OrdinanceSUP2320WWashingtonSt
2. 0901\_2022CaseReport2320WWashingtonSt



**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR THE PROPERTY  
LOCATED AT 2320 W WASHINGTON STREET TO PERMIT THE CONSTRUCTION  
OF A TELECOMMUNICATION MONOPOLE TOWER**

WHEREAS, the City of Petersburg Zoning Ordinance establishes zoning districts and permitted uses within each district; and

WHEREAS, the property located at 2320 W Washington Street, PID: 027060801, is currently zoned M-1, Light Industrial District; and

WHEREAS, the City received a petition submitted by John R. Sindly, Esq. Agent for City Switch II, LLC, to obtain a Special Use Permit for a 205' Monopole Telecommunications Tower, which is permitted in any Zoning District with a Special Use Permit; and

WHEREAS, the subject property totals .56 acres, and is the former location of a railroad; and

WHEREAS, the City's Comprehensive Plan Future Land Use Plan designates the property as Residential; and

WHEREAS, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, this is a public hearing to consider approval of the Zoning Amendments, and the public hearing was advertised, in accordance with applicable laws; and

WHEREAS, Planning Commission approved a resolution during the September 1, 2022 meeting recommending approval of a Special Use Permit to permit the construction of a Monopole Telecommunications Tower at 2320 W Washington Street, PID: 027060801.

NOW THEREFORE BE IT ORDAINED that the City Council of the City of Petersburg hereby approves a Special Use Permit to permit the construction of a Monopole Telecommunications Tower at 2320 W Washington Street, PID: 027060801.



# City of Petersburg

Department of Planning and  
Community Development  
804-733-2308

135 N. Union Street, Room 304  
Petersburg, Virginia 23803  
[srobinson@petersburg-va.org](mailto:srobinson@petersburg-va.org)

TO: Chairman Alexander and Members of the Petersburg Planning Commission

Through: Brian Moore, Director Economic Development, Planning and Community Development  
Reginald Tabor, Planning Manager

From: Sandra A Robinson, Zoning Administrator

SUBJECT: Case 22-SUP-03

Tax Map Parcel 027060801  
2320 W. Washington Street

A petition for a Special Use Permit, to allow construction of a telecommunication tower/facility for the provision of digital wireless telephone services, as required under Article 23 of the Zoning Ordinance, Section 4. Special Uses Enumerated, Part II of the City of Petersburg Zoning Ordinance, which sets forth enumerated special uses.

APPLICANT: John R. Sindlya, ESQ., Agent for City Switch II, LLC.

DATE: Delivery to the Planning Department on June 30, 2022, for consideration at the September 1, 2022, meeting of the Planning Commission.

## I. APPLICANT'S PROPOSAL

Applicant, John Sindlya, agent for City Switch II, LLC., is proposing the installation of a 205' Telecommunications Facility (monopole tower) within a 20' x 50' (1,000 sq ft.) fenced in compound with a double swing gate and overall height of 215' (205' monopole type tower with a 10.0' lightning rod) on a .56-acre parcel located at 2320 W. Washington Street. The property is zoned M-1, Light Industrial District and owned by Seaboard System Railroad CSX-Tax Dept and the parcel of land is vacant.

The proposed tower would provide the latest technologies and wireless communications services throughout the City of Petersburg. Provide multiple collection positions on the tower for additional wireless carriers to expand their networks and will improve the capacity of existing towers. The tower will be of galvanized steel to match the backdrop of the sky and it will accommodate at least three (3) users (AT&T and two (2) other future users.) The facility will be unmanned and visited approximately once a month by technicians. The facility will be lit, will not emit any odor, fumes or glare and the noises emitted from the equipment on the ground will not be any louder than normal residential HVAC equipment. Therefore, the impact on surrounding properties will be minimal.

## II. CHARACTER OF THE AREA

The proposed tower would be located to the far rear of the .56-acre parcel which is located well beyond the building lines of the What-A-Burger, 2350 W Washington Street, (M-1, Light Industrial TP# 027090008) and Mabry Towing & Recovery, 2306 W Washington St. (M-1, Light Industrial District TP# 027060001) business locations along W. Washington Street and Cox Road and immediately adjacent to the proposed monopole site. The rear portion of the site is heavily wooded.

The closest residential building is approximately 130 feet away at the intersection of Cox Road and Seaboard Street. There are approximately 19 dwellings in the area along Seaboard, and Spring Streets. The area is zoned R-2, Single-Family Residence District. Cox Road has not been fully improved or paved and dead ends just beyond the rear yard of 2 Seaboard Street (TP# 027080001).

The tower will not be as visible as the existing tri-pod powerline towers currently located near the adjacent properties as the proposed tower is a monopole and blends into the tree line at the rear of the subject property, which appears to have been part of the CSX Railroad system.

There are 16 large tripod powerline towers located beyond the proposed location of the monopole communications tower which have been in place for greater than 20 years. In addition, there is one monopole tower located on residentially designated property addressed as 3225 Cox Road (TP# 027090005).

Major industries in the area are Dominion Virginia Power (M-1 and M-2) Auto Repair Business at 3212 W Washington Street, B-2, General Commercial District (TP# 027090007), and other auto repair establishments to include general retail establishments within the Anchor Industrial Park along West Washington Street and Anchor/Midway Avenue which contains several commercial and warehousing uses.

## III. ZONING ORDINANCE

Article 23 of the Zoning Ordinance provides that "certain uses may be desirable when located within the community, but that these uses may be incompatible with other uses permitted in a district, certain special uses listed in Section 4. (11) Radio or television tower or broadcasting station) and Sec. 4.1. Communication Towers when found to be in the interest of the public health, safety, morals, and general welfare of the community, may be permitted... Before (the use is allowed), preliminary plans in sufficient detail, and a statement as to the proposed use of the buildings, structures, and premises, shall be submitted to the Planning Commission. The Commission shall hold a public hearing as provided for in Article 28, and shall review such plans and statements and shall, after a careful study thereof and of the effect that such buildings, structures, or uses shall have upon the surrounding territory, submit a recommendation to the City Council within thirty (30) days following said hearing. Following receipt of the Commission's report, the city council may permit such buildings, structures, or uses, where requested, providing that the public health, safety, morals, and general welfare will not be adversely affected, that ... ample safeguards will be provided for the protection of surrounding property, persons, and neighborhood values."

## III. FINDINGS

The petitioners were requested to provide specific information, certified by professional engineers, to the Department of Planning and Community Development. The applicant has provided a conceptual site plan and survey, drawn to scale.

AT&T and CSX Railroad will be the anchor tenants at the proposed tower location and is licensed by the Federal Communications Commission (FCC) to provide wireless communications services throughout the City of Petersburg. AT&T currently has a gap in coverage in this area



of the city, the proposed tower will achieve the following:

Connect the propagation rings of the surrounding towers and provide the latest wireless technologies (coverage and capacity) to the following:

- Those living in the residential neighborhoods.
- Those working in nearby commercial and industrial businesses.
- Those traveling on nearby roads (Boynton Plank Road, Squirrel Level Road, and I-85).
- Emergency personnel operating in the area.

Provide multiple collocation positions for other wireless carriers to expand the networks.

To provide and maximize coverage and capacity, this site met the need of the applicant as there are no tall multi-story structures in the area.

The proposed tower will provide the surrounding area access to the latest wireless technologies, opening new economic opportunities and improving service to residents and businesses. It will not have any negative impact on property values.

The applicant has filed the necessary site plan information and meets the requirements of the Special Use Permit application.

#### V. RECOMMENDED CONDITIONS

The Department of Planning and Community Development will withhold making final recommendation until after the public hearing. However, it is recommended that the Planning Commission impose the following conditions:

- 1) That the design of the proposed tower and base facilities conform to the submitted preliminary site plan, or to another, clearly specified plan acceptable to the Planning Commission.
- 2) That the applicant agrees, in writing to eliminate interference with television, radio, cable television, emergency communications, and telephone transmissions.
- 3) That the applicant's employ landscaping measures, if applicable, in the application to maximize coverage and reduce any potential visual impacts.
- 4) That the applicant agrees to provide for the co-location of a minimum of three (3) competing services, as proposed or other telecommunication services, on the proposed tower.
- 5) That the applicant agrees to absolve the City of Petersburg of responsibility for accidents affecting the proposed tower or its operations.
- 6) That the applicants agree to present a contract providing for the removal of the tower and associated facilities in the event of abandonment of the use of the tower for a period of more than ninety (90) days, and that a performance bond adequate to ensure removal of the tower and related facilities be provided to the City.
- 7) That the applicant agrees to maintain the tower in a manner which will minimize its aesthetic and visual impact, that applicants shall ensure that the color and visibility of the tower does not change appreciably as the result of corrosion or other

factors, and that no advertising or other signs be placed on the tower.

8) That the applicant agrees to provide for annual inspection of the tower, by certified professionals, for structural integrity, and those copies of the reports be provided to the city.

#### VI. EXHIBITS

- Tax Parcel Map Extract
- Zoning Map Extract
- Applicants Petition
- Departmental Responses
- Public Notification Information
- Applicant Exhibits

ADJACENT PROPERTY OWNERS 2320 W WASHINGTON ST

TP# 027060801 JOHN R. SINDLYA, ESQ/AGENT

TP# 027090008 – Jack T Jr. & Cathy H. Branch; 6224 Courthouse Rd Church Rd, VA 23833; 2350 W. Washington St., Petersburg, VA. 23803 – “What-A-Burger” Restaurant, 1 Acre M-1, Light Industrial District.

TP# 027060001 – Andrew Jackson White Sr. 1665 West Clara Dr. Petersburg, VA. 23803; 2306 W. Washington St., Petersburg, VA 23803; M-1, Light Industrial District (Mabry's Towing)

TP# 027080001 – Branch Jack Pearl, 1016 Pleasant Point Rd, Surry, VA 23883; 2 Seaboard St., Petersburg, VA. 23803; R-2, Single-Family Residence District

TP# 027080002 – Franklin H. Jones, 2913 Brierwood Rd., Petersburg, Virginia 23805; 10 Seaboard St., Petersburg, VA. 23803; R-2, Single-Family Residence District

TP# 027080003 – Maurice A. Goodson, 14 Seaboard St., Petersburg, Virginia 23803; (same address) R-2, Single-Family Residence District.

TP# 048010800 – Seaboard System Railroad CSX-Tax Dept. 500 Water Street (J910) Jacksonville, FL. 32202; 2316 Ferndale Ave Petersburg, VA. 23803; R-2, Single-Family Residence District (Vacant)

TP# 027010010 – City of Petersburg, Virginia 135 N Union St Petersburg, VA. 23803; 2351 W Washington St Petersburg, VA. 23803 (1.356 Acres) M-1, Light Industrial District (Vacant)

TP# 027010011 – LU & RO Inc., 30 Mill Rd., Petersburg, VA 23803; 30-B Mill Rd Petersburg, VA. 23803; M-1, Light Industrial District (Warehousing)

TP# 027030801 – JBC Management LLC, PO BOX 171 Louisburg, NC 27549; 2303 W Washington St., Petersburg, VA. 23803 (Anchor Industrial Park) includes 2301 W Washington Street – TP# 027030001; M-1, Light Industrial District ( Vacant)





# City of Petersburg

Department of Planning and  
Community Development  
804-733-2308

135 N. Union Street, Room 304  
Petersburg, Virginia 23803  
srobinson@petersburg-va.org

August 23, 2022

## 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:

Notice is hereby given to all interested persons the City of Petersburg Planning Commission will hold public hearings on Thursday, September 1, 2022, beginning at 6:30 p.m. in the Petersburg Public Library located at 201 W. Washington Street, Petersburg, Virginia 23803.

**22-SUP-03:** A petition submitted by John R. Sindlya, Esq. Agent for City Switch II, LLC to obtain a Special Use Permit to construct a telecommunication, monopole tower at 2320 W Washington Street, TP# 027060801, within a 20' X 50' fenced compound. The tower will be 205' in height. The tower is to be utilized by CSX Railroad and AT&T for improvement of Communications systems. The subject property is currently zoned M-1, Light Industrial District.

All interested persons shall have the opportunity to be heard at said public hearing or may call or email the Department of Planning at: [pcd@petersburg-va.org](mailto:pcd@petersburg-va.org)

A copy of the related material may be examined in the Department of Planning & Community Development in City Hall Room 304, telephone (804)733-2308. The Planning Dept. is open from 8:30am to 5:00pm, Monday - Friday.

# PETITION FOR REZONING OR SPECIAL USE PERMIT

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

CASE NUMBER: \_\_\_\_\_

APPLICANT: John R. Sindyla, Esq. – Agent for CitySwitch II, LLC

ADDRESS: 5546 Pearl Road

Parma, Ohio 44129

I, John R. Sindyla, Esq. hereby petition to rezone the following described properties  
from zoning district N/A to zoning district N/A

**A. DESCRIPTION OF PROPOSED USE: (ATTACH ADDITIONAL DOCUMENTS IF NECESSARY)**

Installation of a 205' monopole tower within a 20'x 50' (1000 sq ft) fenced compound. Tower to be  
utilized by CSX Railroad and AT+T for improvement of communications systems.

**B. PROPERTY INFORMATION**

1. Tax Parcel Identification Number(s):

027060801

2. Current Street Address(es) if assigned:

2320 West Washington St. - railroad parcel

3. Approximate Area:

1000

sq. ft.

acres

4. Public Street Frontage:

115

ft.

5. A boundary plat of this property outlining the area to be rezoned must be attached to this petition.

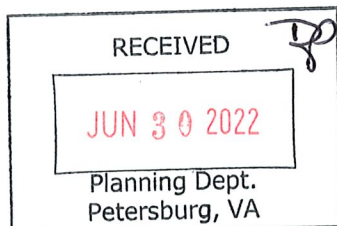
6. The following deed restrictions may affect the use of this property:

No deed restrictions

7. Brief:

Said deed restrictions will expire on:

N/A



**C. JUSTIFICATION FOR REZONING**

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

N/A – no rezoning required. Property is zoned M-1

---

---

---

---

---

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).

N/A – no rezoning required. Property is zoned M-1

---

---

---

---

---

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).

N/A – no rezoning required. Property is zoned M-1

---

---

---

---

---

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).

N/A – no rezoning required. Property is zoned M-1

---

---

---

---

---



#### D. CERTIFICATION:


**The undersigned applicant certifies that they:**

          x           (a) are the owner, lessee or agent for (specified in writing)

\_\_\_\_\_ (b) possess a proprietary interest in (contract or option agreement)

**the property(ies) identified within this PETITION FOR REZONING, and that the foregoing information and statements herein provided, and all other information herewith submitted, are in all respects true and correct to the best of their knowledge and belief.**

**Signed:**

  
5546 Pearl Road

**Mailing Address:**

**5546 Pearl Road**

Parma, Ohio 44129

**Phone Number:**

**440-915-2893**

**Email Address:**

**jrsindyla@hotmail.com**

**APPROVED**

## City Attorney

**TO BE FILED IN THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

## ACTION RECORD

**Date Filed (with Planning Department):**

6-30-2022

**Date of Planning Commission Public Hearing:**

9-1-2022

**Planning Commission Action(s):**

**Date of City Council Hearing:**

**City Council Action(s):**

## PETITION FOR ZONING CHANGE

### Property Owner(s): Adjacent to Affected Property

<u>NAME(S)</u>		<u>Address(es)</u>
Andrew White, Jr.	(Parcel: 027060001)	1665 West Clara Dr, Petersburg, VA 23803
Jack Branch	(Parcel: 027080001)	1016 Pleasant Point Rd., Surry, VA 23883
Franklin Jones	(Parcel: 027080002)	2913 Brierwood Rd, Petersburg, VA 23803
Maurice Goodson	(Parcel: 027080003)	14 Seaboard St., Petersburg, VA 23803
Jack and Cathy Branch	(Parcel: 027090008)	6224 Courthouse Rd., Church Road, VA 23833
LU & RO, Inc.	(Parcel: 027010011)	30 Mill Rd., Petersburg, VA 23803
JBC Management LLC	(Parcel: 027030801)	PO Box 171, Louisburg, VA 27549
JBC Management LLC	(Parcel: 027030001)	PO Box 171, Louisburg, VA 27549

Andrew J. White, Sr. 1665 W. Clara Dr. Petersburg, VA 23803	027060001	2306 W. Washington St. Pt. Lot C& Parcel Lakeside
Jack P. Branch 1016 Pleasant Point Rd. Surry, VA 23883	027080001	2 Seaboard St. (Lot 14-15)
Franklin H. Jones 2913 Brierwood Rd. Petersburg, VA 23805	027080002	10 Seaboard St. (Lot 12-13)
Maurice A. Goodson Same	027080003	14 Seaboard St. (Lot 10-11)
Jack T. & Cathy H. Branch, Jr. 6224 Courthouse Rd. Church Road, VA 23833	027090008	2350 W. Washington St. Parcels A B C
Lu & Ro, Inc. Same	027010011	30-B Mill Rd Parcels A B C D
JBC Management, LLC P. O. Box 171 Louisburg, NC 27549	027030801	2303 W. Washington St. Parcel B
JBC Management LLC P. O. Box 171 Louisburg, NC 27549	027030001	2301 W. Washington St. Parcel A



**ACORD**<sup>TM</sup>**CERTIFICATE OF LIABILITY INSURANCE**

DATE (MM/DD/YYYY)

2/11/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer any rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> <b>McGriff Insurance Services</b> <b>5850 Waterloo Road, Suite 240</b> <b>Columbia, MD 21045</b> <b>410 480-4400</b>	<b>CONTACT NAME:</b> Karen Humphrey <b>PHONE (A/C, No, Ext):</b> 410 480-4454 <b>E-MAIL ADDRESS:</b> KMHumphrey@McGriff.com <b>FAX (A/C, No):</b> 866-548-4197	
	<b>INSURER(S) AFFORDING COVERAGE</b>	
<b>INSURED</b> <b>CitySwitch Tower Holdings LLC</b> <b>1900 Century Place, Suite 320</b> <b>Atlanta, GA 30345</b>	<b>INSURER A:</b> Hanover Insurance Company	
	<b>INSURER B:</b> Argonaut Insurance Company	
	<b>INSURER C:</b> Massachusetts Bay Ins. Co.	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
<b>INSURER F:</b>		<b>NAIC #</b> 22292 19801 22306

**COVERAGES****CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC <input type="checkbox"/> OTHER:			LHQD97923502	07/01/2021	07/01/2022	EACH OCCURRENCE \$2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$1,000,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$2,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 \$
C	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY			ADQD973271	07/01/2021	07/01/2022	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$			UHQD97934502	07/01/2021	07/01/2022	EACH OCCURRENCE \$11,000,000 AGGREGATE \$11,000,000 \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y/N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
B	Professional Liability			121AE017645201	07/01/2021	07/01/2022	\$2,000,000/\$2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

RE: VAC011 Grindstone  
Insurance Verification.

RECEIVED

JUN 30 2022

Planning Dept.  
Petersburg, VA**CERTIFICATE HOLDER****CANCELLATION**

City of Petersburg Virginia  
135 North Union Street  
Petersburg, VA 23803

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Daniel F. Saul

© 1988-2015 ACORD CORPORATION. All rights reserved.

This page has been left blank intentionally.

## Tower Removal Bond

KNOW ALL PERSONS BY THESE PRESENTS: That we CitySwitch II-A, LLC, a corporation duly organized under the laws of the State of GA, as Principal and The Ohio Casualty Insurance Company, as Surety, are held and firmly bound unto City of Petersburg, Virginia as Obligee, in the amount of Twenty Five Thousand Dollars and 00/100 (\$ 25,000.00) for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents, the liability of the Surety being limited to the penal sum of this bond regardless of the number of years the bond is in effect.

Whereas, the Principal has obtained written approval from the Obligee for the construction and erection of a wireless communication tower located at Site ID No. VAC011 Grindstone. Now, therefore if the principal well and truly complies with the maintenance, replacement, removal or relocation of the tower from the aforementioned address within 30 days upon receipt of written notice from the Obligee, to remove, replace, modify, or relocate the tower from said premises then this obligation is void otherwise to remain in full force and effect unless cancelled as set forth below:

1. It shall be a condition precedent to any right of recovery hereunder that, in the event of any default on the part of the Principal, a written statement of the particular facts of such default shall be, within Thirty (30) days, delivered to Surety at its Home Office located at 175 Berkeley Street, Boston, MA 02116 by registered mail to the Surety and the Surety shall not be obligated to perform Principals obligation until sixty (60) days after Surety's receipt of such statement.
2. The surety may cancel this bond at any time by giving Thirty (30) days notice, by registered mail or overnight courier service to 135 North Union Street, Petersburg, VA 23803 (Obligee). Such termination shall not affect liability incurred under this obligation prior to the effective date of such termination.
3. No action, suit, or proceeding shall be maintained against the Surety on this bond unless the action is brought within twelve (12) months of the cancellation date of this bond.
4. Regardless of the number of years this bond may be renewed; in no event shall the liability of the Surety exceed the penal sum of this bond.
5. It is understood that the non-renewal of this bond by the Surety, or failure or inability of the Principal to file a replacement bond shall not constitute a loss recoverable by the Obligee under this bond.

Signed, sealed, and witnessed this 11th day of February, 2022.

Witness

CitySwitch II-A, LLC

Principal

By: 

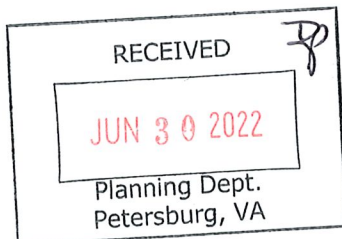
The Ohio Casualty Insurance Company

Surety

By: 

LeeAnne K. Michaud, Attorney-In-Fact

Surety Phone No. 617-357-9500





This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated. Not valid for mortgage, note, loan, letter of credit, bank deposit, currency rate, interest rate or residual value guarantees. For bond and/or Power of Attorney (POA) verification inquiries, please call 610-832-8240 or email HOSUR@libertymutual.com.



Liberty Mutual Insurance Company  
The Ohio Casualty Insurance Company  
West American Insurance Company

## POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint LeeAnne K. Michaud of the city of Columbia, state of MD its true and lawful attorney-in-fact, with full power and authority hereby conferred to sign, execute and acknowledge the following surety bond

Principal Name: CitySwitch II-A, LLC

Obligee Name: City of Petersburg, Virginia

Surety Bond Number: 017249668

Bond Amount: See Bond Form

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 12<sup>th</sup> day of March, 2021.



The Ohio Casualty Insurance Company  
Liberty Mutual Insurance Company  
West American Insurance Company

By: David M. Carey

David M. Carey, Assistant Secretary

STATE OF PENNSYLVANIA  
COUNTY OF MONTGOMERY

55

On this 12<sup>th</sup> day of March, 2021, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written



Commonwealth of Pennsylvania - Notary Seal  
Teresa Pastella, Notary Public  
Montgomery County  
My commission expires March 28, 2025  
Commission number 1126044  
Member, Pennsylvania Association of Notaries

By: Teresa Pastella

Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of Liberty Mutual Insurance Company, The Ohio Casualty Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

**ARTICLE IV - OFFICERS** - Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

**ARTICLE XIII - Execution of Contracts - SECTION 5. Surety Bonds and Undertakings.** Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

**Certificate of Designation** - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

**Authorization** - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, of Liberty Mutual Insurance Company, The Ohio Casualty Insurance Company, and West American Insurance Company do hereby certify that this power of attorney executed by said Companies is in full force and effect and has not been revoked

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 11th day of February, 2022



By: Renee C. Llewellyn

Renee C. Llewellyn, Assistant Secretary



## RE: Communications Tower Special Use Permit Application

Darryl Walker <dwalker@petersburg-va.org>

Thu 7/14/2022 6:00 PM

To: Sandra Robinson <srobinson@petersburg-va.org>

Cc: Reginald Tabor <rtabor@petersburg-va.org>; City of Petersburg Development Review Team <CityofPetersburgDevelopmentReviewTeam@petersburg-va.org>

Good Afternoon Sandra,

In looking at the proposed plan submitted for the communications tower, I offer the following:

1. Although the disturbed area is small, this proposal must be properly vetted since it appears that the parcel extends into Chesapeake Bay Preservation Areas (at least the RMA), per the attached illustrations. At minimum, the RMA boundary would have to be accurately included in the plans.
2. Furthermore, because the actual "PROPOSED TOWER COMPOUND" is located within what is labeled as the "FORMER COX ROAD RIGHT-OF-WAY", the location of that compound (and/or the disturbance that would be required to install the compound) may actually extend into the RMA based on these illustrations.
3. Depending on the ramifications of Items #1 and #2 above, the City would have to consult with our DEQ CBPA liaison to review the "updated plan" and provide comments upon joint review per the CAA with DEQ as part of the City's Chesapeake Bay Act Review.

Any questions regarding the above comments, please let me know.

Thanks,

Darryl E. Walker  
Stormwater Program Manager  
Office of Development and Operations  
1340 East Washington Street  
Petersburg, VA 23803  
804.733.2357 dd  
804.733.2353 ofc  
[www.petersburg-va.org](http://www.petersburg-va.org)





**From:** Reginald Tabor <rtabor@petersburg-va.org>

**Sent:** Thursday, June 30, 2022 4:12 PM

**To:** City of Petersburg Development Review Team <CityofPetersburgDevelopmentReviewTeam@petersburg-va.org>

**Subject:** Communications Tower Special Use Permit Application

Good afternoon,

I hope all is well!

The City of Petersburg received the attached Special Use Permit application for permission to construct a communications tower at 2320 W Washington Street.

The land disturbance is specified to be 1,000 square feet and does not meet the minimum required for a Site Plan submittal.

This is a request for any comments or concerns you may have regarding the proposed tower. Any comments you provide will be provided to the Planning Commission and the City Council as they consider approval of the Special Use Permit Application.

Please submit any comments or concerns to the Zoning Administrator, Sandra Robinson [srobinson@petersburg-va.org](mailto:srobinson@petersburg-va.org) or the Planning and Zoning Technician, Deborah Porter [dporter@petersburg-va.org](mailto:dporter@petersburg-va.org) on or before July 14, 2022.

Thank you.

Reggie

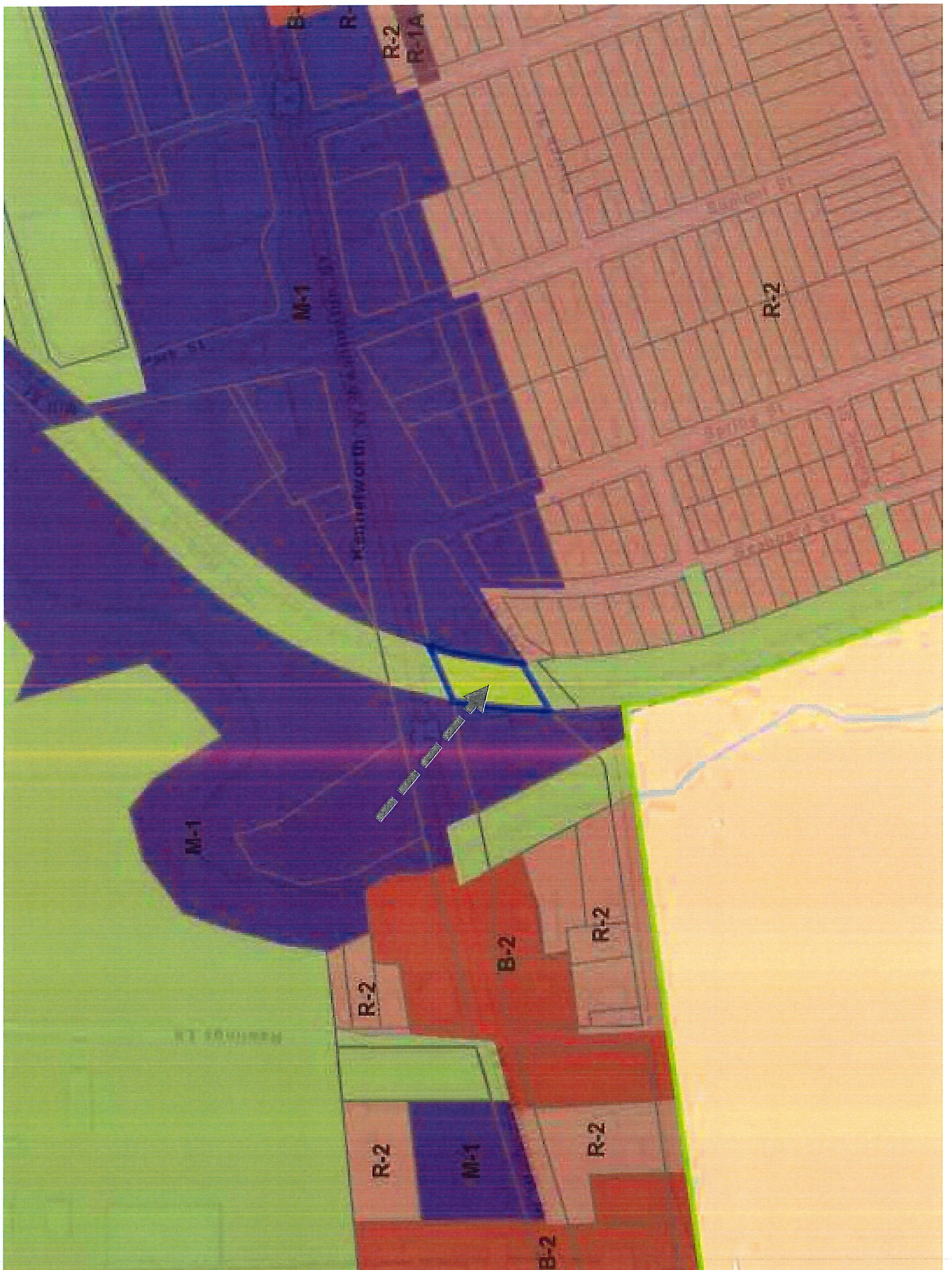
This e-mail message and any attached files are for the sole use of the intended recipient(s) and may contain privileged, confidential or otherwise protected from disclosure information. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

This e-mail message and any attached files are for the sole use of the intended recipient(s) and may contain privileged, confidential or otherwise protected from disclosure information. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

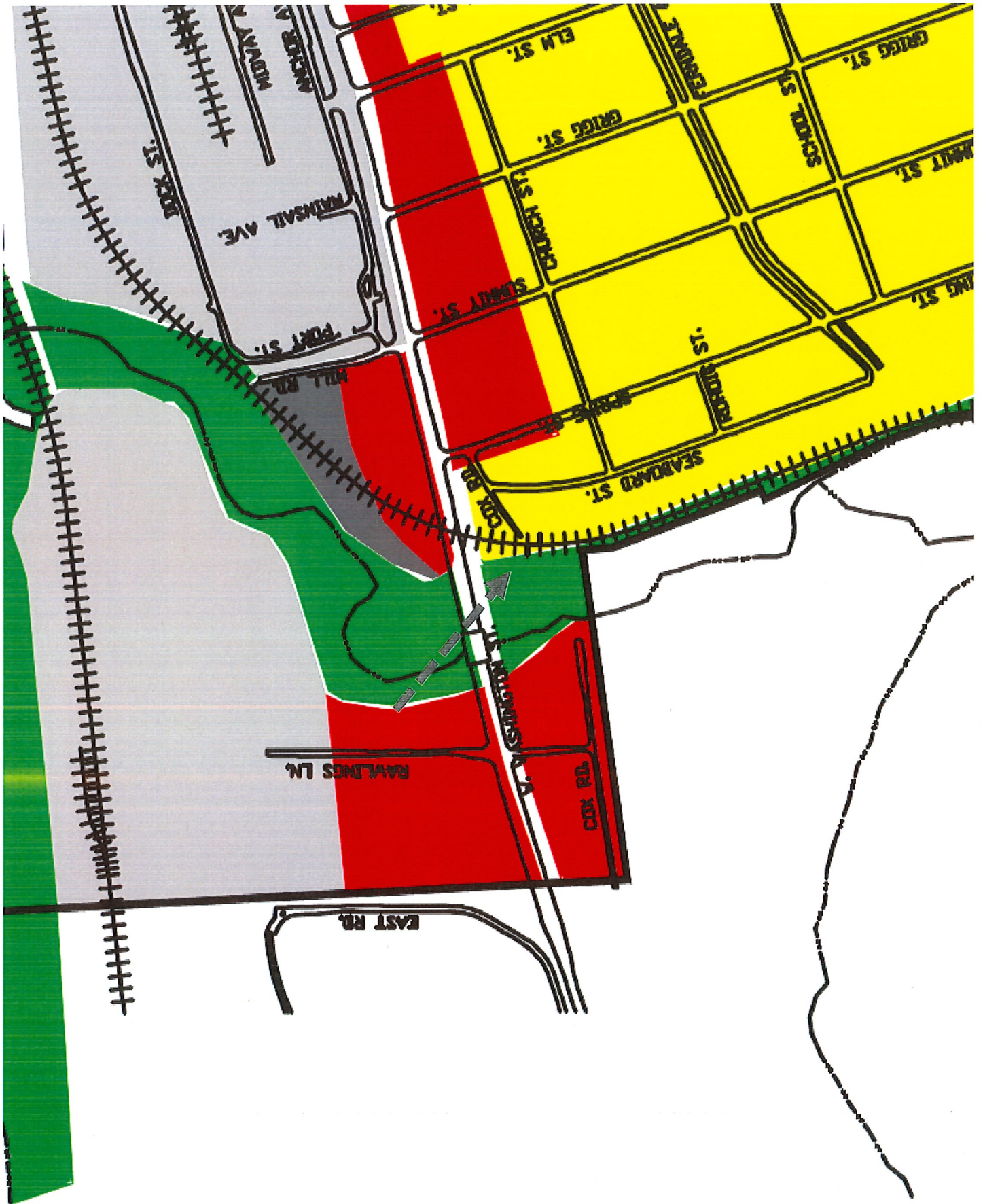












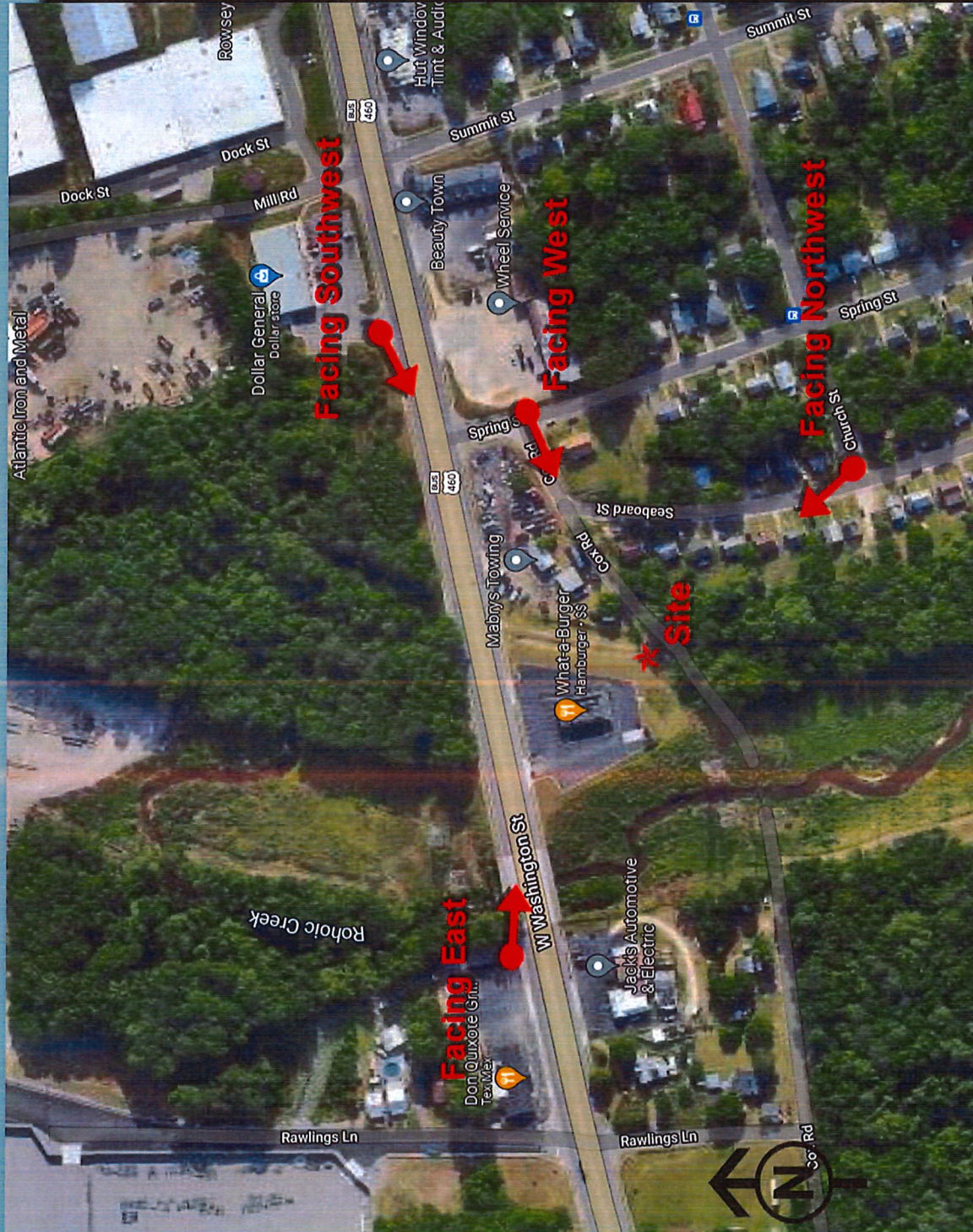




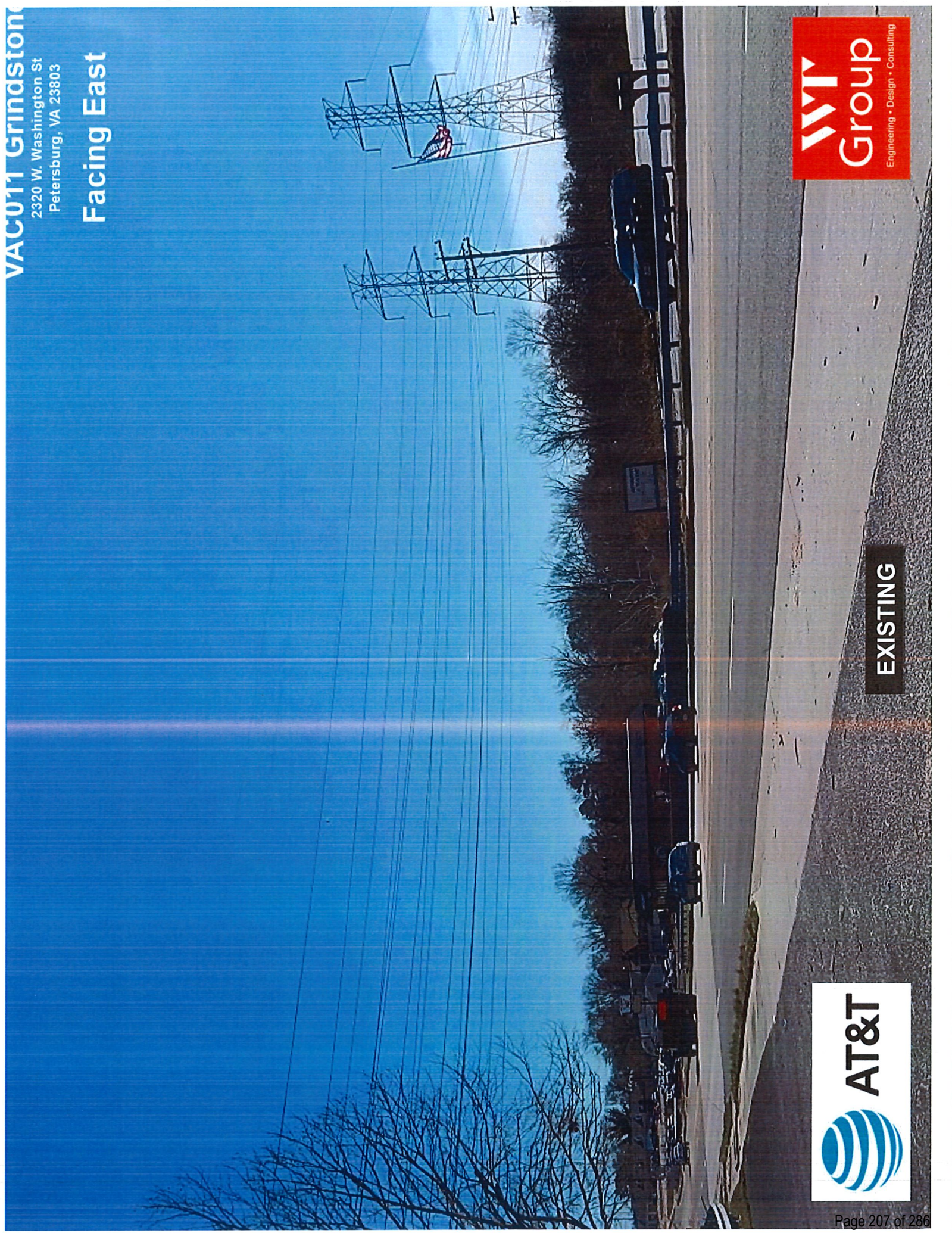


# VAC011 Grindstone

2320 W. Washington St  
Petersburg, VA 23803



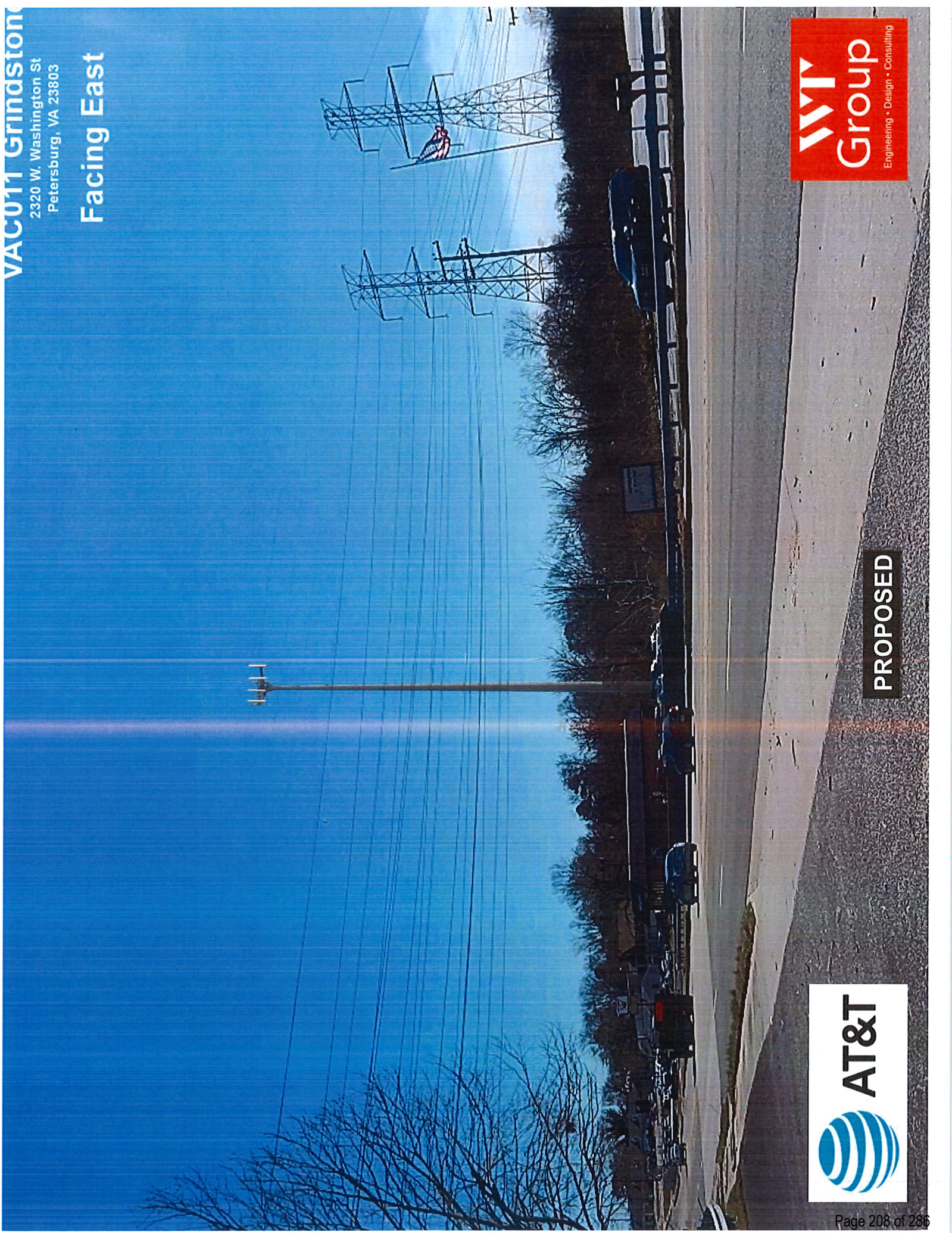




EXISTING







PROPOSED





# Facing West



EXISTING







PROPOSED







EXISTING





PROPOSED

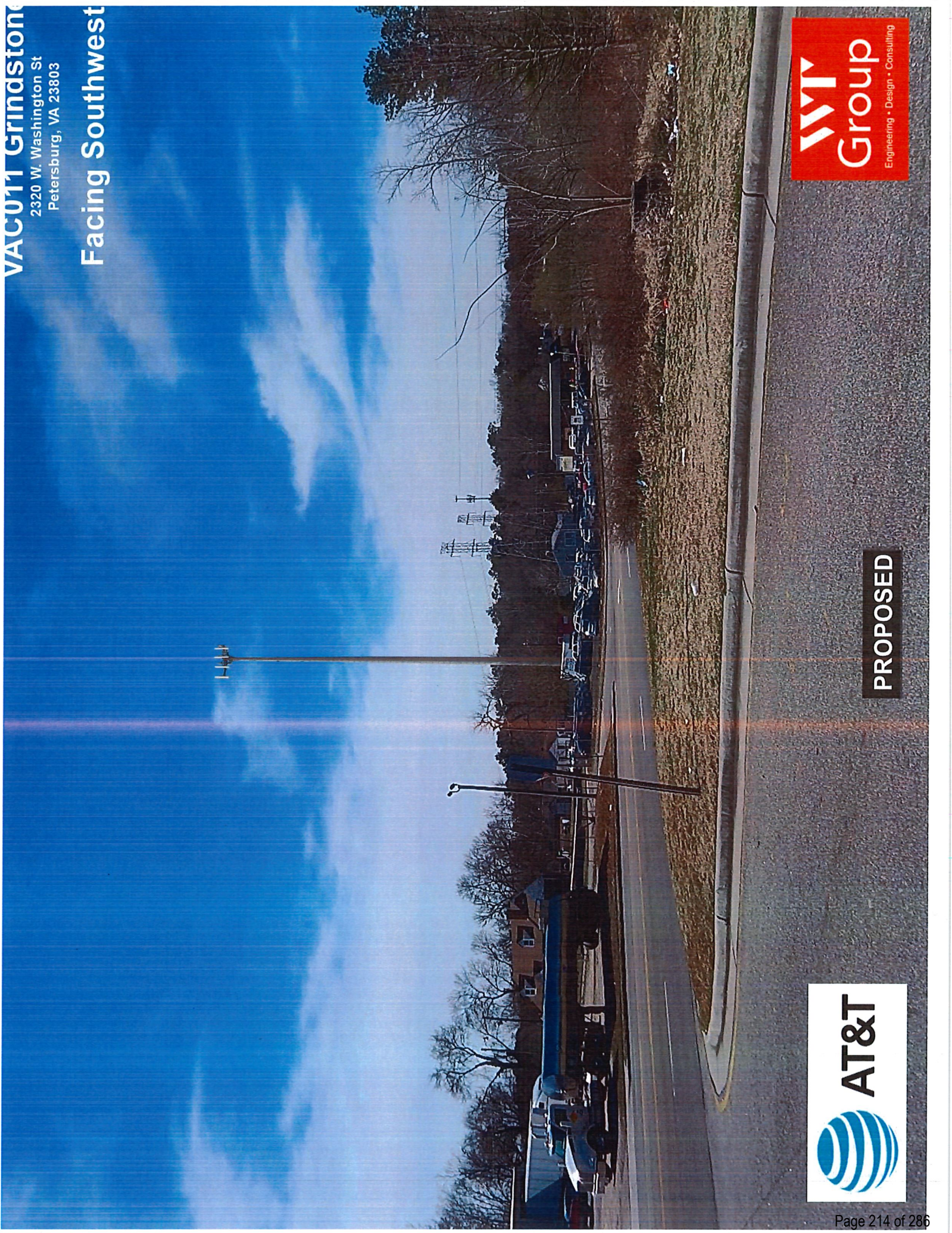




EXISTING







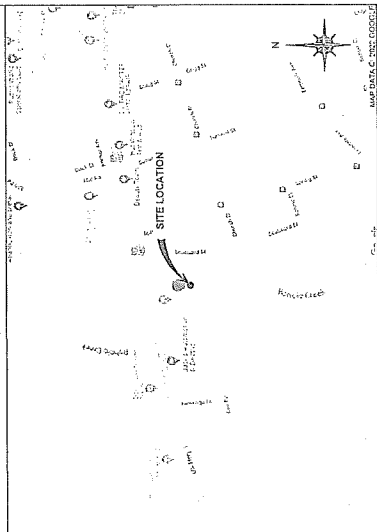
PROPOSED



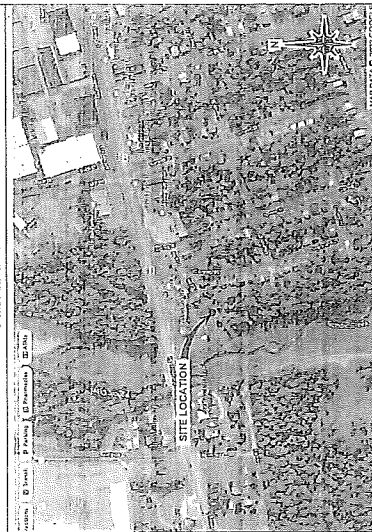


PARCEL NUMBER: 027060801

LOCATION MAP



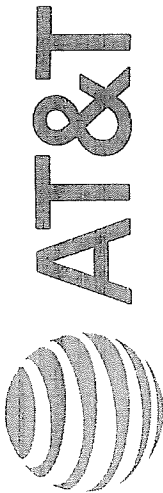
AERIAL MAP



APPROVALS

PENDING APPROVAL OF THE JURISDICTION, THE FOLLOWING PARTIES HAVE REVIEWED THE DESIGN WITHIN THEIR FUNCTIONAL RESPONSIBILITIES AND HAVE APPROVED THIS PROJECT FOR CONSTRUCTION. CONTRACTORS MAY NOT START CONSTRUCTION WITHOUT A NOTICE TO PROCEED (NTP).

PRINT NAME	SIGNATURE	DATE
LANDLORD		
PRECON. MGR		
DEVELOP. MGR		
CONST. INSP.		
A&E MGR		
RF ENGINEER		
OPERATIONS		
ZONING REP		
UTILITIES		



NEW SITE BUILD

SITE NAME/NUMBER

GRINDSTONE/VAC011

DINWIDDIE COUNTY

SITE ADDRESS

2320 W. WASHINGTON ST.  
PETERSBURG VA, 23803

PROJECT DESCRIPTION

NEW 20'-0" x 50'-0" FENCED COMPOUND AND NEW 200'-0" MONOPOLE, NO NEW WATER OR SEWER IS REQUIRED AS FACILITY IS UNMANNED.

UTILITIES

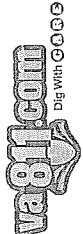
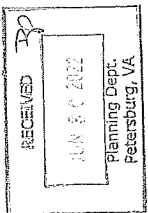
ELECTRIC: TELEPHONE:  
DOMINION ENERGY WINDSTREAM  
VIRGINIA CONTACT: T.B.D. TEL: 877-544-1712  
CONTACT: T.B.D. TEL: (866) 366-4337

CONTACTS

LAND OWNER/CLIENT:  
CSX TRANSPORTATION INC.  
C/O TAX DEPT. 910, SUITE 1208  
JACKSONVILLE, FL 32202

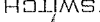
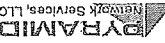
APPLICANT:

CITYSWITCH, LLC  
10000 S. GOLF COURSE AVE, SUITE 220  
ATLANTA, GA 30345



\*\*\* CAUTION \*\*\*  
THE UNLESS SHOWN OTHERWISE FOR THE CONTRACTORS CONVENIENCE  
THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION OF THE PROJECT  
EXCEPT AS SHOWN AND AS APPROVED BY THE DESIGNER AND THE  
OWNER. ANY CHANGES TO THE PROJECT SHALL BE MADE BY THE  
DESIGNER AND THE OWNER. THE USER IS RESPONSIBLE FOR THE  
CONSTRUCTION.

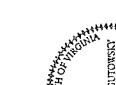
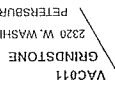
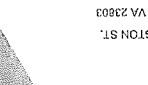
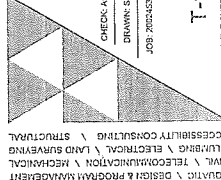
FOR EMERGENCIES CALL: 911



VAC011  
GRINDSTONE  
2320 W. WASHINGTON ST.  
PETERSBURG, VA 23803



EXPIRES: 11/29/23 SIGNED: 09/1/22  
REVISED FOR: DATE: BY:  
FOR CLIENT REVIEW: SIGNED: BY:  
DATE: BY:

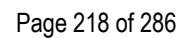


T-1  
TITLE SHEET















# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** October 4, 2022

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** March Altman, Jr., City Manager

**FROM:** Brian Moore

**RE:** Request to hold a public hearing on October 18, 2022, for the consideration of an Ordinance authorizing the City Manager to enter into a purchase agreement between the City of Petersburg and Bollingbrook Properties, LLC, and Worther G and Karen K. Becker, III. (Page 220)

**PURPOSE:** Request to hold a public hearing on September 20, 2022, for the consideration of an Ordinance authorizing the City Manager to enter into a purchase agreement between the City of Petersburg and Bollingbrook Properties, LLC, and for the following properties:

Property Address	Parcel Number	Owner
48 East Bank	011220800	Bollingbrook Properties, LLC
20 E. Bank	011220802	Bollingbrook Properties, LLC
18 E. Bank	011220803	Bollingbrook Properties, LLC
	011170001	Bollingbrook Properties, LLC

243 E. Bank Street		
241 N. Sycamore Street	011220018	Bollingbrook Properties, LLC
301 N. Sycamore Street	011140014	Bollingbrook Properties, LLC
315 N. Sycamore Street	011140020	Bollingbrook Properties, LLC
17 E. Bank Street	011140011	Bollingbrook Properties, LLC
35 E. Bank Street	011140009	Bollingbrook Properties, LLC
20 Bollingbrook Street	011140004	Bollingbrook Properties, LLC
31 Bollingbrook Street	011090015	Bollingbrook Properties, LLC
226 Second Street	011220005	Becker Worther G III Karen K

**REASON:** To comply with laws, policies, and procedure regarding the purchase of property by the City.

**RECOMMENDATION:** The staff recommends the approval of the attached ordinance

**BACKGROUND:** The City of Petersburg has a negotiated a purchase agreement for privatelyowned properties in the downtown business district. They are currently used for parking and two business entities. The City would be able to use the property for business development and to support downtown planning initiatives and the Partnership for Petersburg initiatives. The area has the capacity to support hotels, a retail shopping center,



entertainment, multi-family residential over office and shopping on the ground level, parking and parking decks, and additional restaurants to complement our existing restaurant base.

**COST TO CITY:** \$3,232,000.00

**BUDGETED ITEM:** N/A

**REVENUE TO CITY:** N/A

**CITY COUNCIL HEARING DATE:** 10/4/2022

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:** N/A

**AFFECTED AGENCIES:** City Manager, Economic Development, Planning, and Community Development, City Assessor

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:** N/A

**REQUIRED CHANGES TO WORK PROGRAMS:** N/A

**ATTACHMENTS:**

1. 20220927091740401

This CONTRACT OF PURCHASE (this "Agreement") made as of July 20, 2022 by and among Bollingbrook Properties, LLC, formerly known as Master Properties, LLC, ("Seller"), and City of Petersburg, Virginia, ("Purchaser") and Pender & Coward (the "Escrow Agent"), recites and provides as follows:

Recitals:

A. Seller is the owner of that certain real estate, and all improvements, all easements and other appurtenances thereon belonging, located in the city of Petersburg, Virginia and designated below, (the "Property"):

City Tax Map #011-220800 – 48 E. Bank Street

City Tax Map #011-220802 – 20 E. Bank Street

City Tax Map #011-220803 – 18 E. Bank Street

City Tax Map #011-220804 – 243 E. Bank Street

City Tax Map #011-220018 – 241 N. Sycamore Street

City Tax Map #011-140014 – 301 N. Sycamore Street

City Tax Map #011-140020 – 315 N. Sycamore Street

City Tax Map #011-140011 – 17 E. Bank Street

City Tax Map #011-140009 – 35 E. Bank Street

City Tax Map #011-140004 – 20 Bollingbrook Street

City Tax Map #011-090015 – 31 Bollingbrook Street

City Tax Map #011-220005 – 226 Second Street. This property is not owned by Bollingbrook Properties, LLC but is owned by Worthen G. and Karen K. Becker, III. They will sign this contract to verify that this property will also convey in the event this contract goes to Settlement and closes.

See Exhibit I - Map

See Exhibit II – Tax Bill

B. Seller desires to sell the Property to Purchaser and Purchaser desires to purchase the Property from Seller on the terms and conditions set forth herein.

C. The Effective Date shall be the date on which both parties have executed the Agreement and the document has been formally approved by City Council ("Effective Date").

NOW, THEREFORE, in consideration of mutual covenants herein contained, Seller and Purchaser hereby agree as follows:

1. RECITALS: The recitals above are incorporated herein by this reference as matters of contract, and not mere recital.

2. PURCHASE PRICE: The purchase price of the Property is Three Million Two Hundred Thirty-Two Thousand Dollars (\$3,232,000.000), (the "Purchase Price"), payable by Purchaser adjusted to reflect prorations and adjustments set forth herein and the application of the Deposit and shall be payable in certified funds or bank wire at Closing (as defined in paragraph 7 below).

3. DEPOSIT: Purchaser shall within 5 business days of the Effective Date pay a deposit of Ten Thousand Dollars (\$10,000.00) to Escrow Agent, which shall be held and disbursed pursuant to the terms of this Agreement. .

4. CLOSING COST: Seller shall pay the costs of preparing the Deed and the grantor's tax thereon. Purchaser shall pay all its own costs, title search, title insurance premiums, survey expenses, all fees and cost in connection with Purchaser's financing, if any, all recording cost and fees in connection with the Deed (other than the grantor's tax thereon) if there are cost for recording to the Purchaser. Each party shall pay its own legal, accounting and other expenses incurred in connection with this Agreement or Closing.

5. CLOSING PRORATIONS: Real estate taxes, special assessments and all other charges applicable to the Property shall be apportioned pro-rata as of the day preceding Closing. Seller shall pay all back taxes which may be owed.

6. SURVEY AND TITLE EXAMINATION: Purchaser may obtain at its expense a survey of the Property. If Purchaser obtains a survey, Purchaser shall provide Seller with a copy of a plat of the survey, and the legal description of the Property in the Deed shall include a metes and bounds description of the Property derived from the Purchaser's survey. Within fifteen (15) days after delivery of the plat of survey to Seller, Seller shall notify Purchaser in writing of any objection to the Purchaser's survey. If a notice of objection is not timely received, the Purchaser's survey shall be deemed accepted by Seller. If Seller objects to the Purchaser's survey, then Seller shall cause the Property to be surveyed by a Registered Land Surveyor within thirty (30) days thereafter, and shall furnish a copy of a plat of Seller's survey to Purchaser. If Purchaser does not accept Seller's survey, then the surveyors who prepared Purchaser's and Seller's surveys shall select a third Registered Land Surveyor who shall survey the Property. The results of said third survey shall be conclusive, the legal description of the Property in the Deed shall be derived from that survey. Seller shall bear the cost of any survey obtained by Seller. Purchaser and Seller shall equally bear the cost of any third survey of the Property obtained pursuant to the terms of this Section.

Purchaser shall obtain a title insurance commitment (the "Title Insurance") issued by a title insurance company (the "Title Company") selected by Purchaser. Purchaser shall examine title to the Property and give written notice to Seller of any objections that Purchaser may have prior to the expiration of the Due Diligence Period (the "Initial Objection to Title Notice"). Within ten (10) days after receipt of the Initial Objection to Title Notice, Seller shall provide written notice to Purchaser whether Seller will cure any such objections or refuse to cure such objections. Failure by Seller to give written notice of its election within ten (10) days after receipt of the Initial Objection to Title Notice shall be deemed an election by Seller not to cure the objections. In the event Seller elects, or is deemed to have elected, not to cure any objections, then Purchaser shall have the right to elect either: (a) to waive the unsatisfied objections and proceed with Closing, or (b) to terminate this Contract in its entirety and receive an immediate refund of the Deposit. In the event Seller elects to cure the objections, Seller shall have thirty (30) days from the date of the notice to cure all such objections, at Seller's sole cost. Purchaser may in its absolute and sole discretion choose to extend the cure period. The Closing shall be delayed during and extended for any cure period. If Seller fails for any reason to cure the



objections within such cure period, then Seller shall be in default under this Agreement. In such event, Purchaser may: (1) waive the unsatisfied objections and complete the purchase of all portions of the Property scheduled for Closing, including those subject to the unsatisfied objections, or (2) terminate this Contract in its entirety and receive an immediate refund of the Deposit. Anything to the contrary contained herein notwithstanding, Seller must remove any objection or exception that can be cured by the payment of money, such as a deed of trust, mortgage, lien, judgment, deferred tax, or confirmed assessment. Purchaser may re-examine title up to Closing and give written notice to Seller of any objections that Purchaser may have as to matters first appearing of record subsequent to Purchaser's Initial Objection to Title Notice, or in the event Purchaser did not provide an Initial Objection to Title Notice, as to matters that did not exist or were not of public record as of the Effective Date, which new title objections shall be addressed as set forth above.

7. SETTLEMENT: Settlement (the "Closing") of the purchase and sale of the Property shall be made at the office of Purchaser's attorney or at other designated place on or before sixty (60) days after the conclusion of the Due Diligence Period. In no event will closing occur after March 31, 2023, with time being of the essence of this and all provisions of this Agreement. Possession of the Property shall be given to the Purchaser at Closing except as otherwise provided in this Agreement. At Closing, the Seller agrees to deliver possession of the Property and shall deliver to Purchaser, the following:

- i. A general warranty deed with full English covenants of title (the "Deed") conveying to the Purchaser good and marketable fee simple title to the Property, subject to (a) any lien for any real estate taxes not yet due and payable, and (b) any recorded easements, covenants, conditions, restrictions and reservations to the extent that they may lawfully apply to the Property;
- ii. An affidavit for the benefit of Purchaser and its title insurer, satisfactory to Purchaser's Title Company stating that no right to a mechanic's or materialman's lien has accrued with respect to the Property as a result of any act or omission by the Seller and there are no outstanding leases or agreements with regard to, or other parties in or entitled to possession of, the Property except as disclosed below;
- iii. A Certificate of Non-Foreign status as required by Section 1445 of the Internal Revenue Code of 1986 and any other certificates required by any governmental authority or agency;
- iv. The information as may be required by the settlement agent for Real Estate 1099-B Report Filing pursuant to Section 6045 of the Internal Revenue Code of 1986.
- v. A certificate of Seller approving this Agreement and the transaction contemplated by this Agreement and authorizing execution and delivery of all documents required pursuant to this Section by the appropriate representative of Seller and a certificate of good standing for Seller, dated as of no more than one month prior to the closing date, issued by the Secretary of State or Clerk of the appropriate commission of the state under whose laws Seller was formed.
- vi. Such other certificates as Purchaser's lender or Title Company may reasonably require.

8. REPRESENTATION AND WARRANTIES OF SELLER: Seller hereby warrants and represents, to the best of Seller's knowledge, now and as of Closing Date as follows:

- a) Authority. The execution and delivery of this Agreement by Seller and the consummation by Seller of the transaction contemplated by this Agreement are within Seller's powers and this Agreement shall be valid and binding on Seller, its successors and assigns in accordance with its terms.
- b) Title. Seller has no knowledge of any circumstance or event that may give rise to an attempt by any governmental authority to seize the Property under any civil or criminal law authorizing seizure or forfeiture as a penalty for violation.
- c) Litigation. To the best of Seller's knowledge, there are no actions, suits, proceedings or investigations pending or, to the knowledge of Seller, threatened against the Property, including without limitation, condemnation or eminent domain claims, actions or proceedings and Seller has received no notices of any of the foregoing.
- d) Parties in Possession. There is a party other than Seller, in possession of any portion of the Property as lessees. See Item 12d below.
- e) No Violation of Law. Seller has no knowledge of and has received no notice of any violation of local, state or federal laws, ordinances, rules or regulations applicable to the Property.
- f) Contracts. There are no service, maintenance, utility, employment or other contracts or agreements affecting the Property, oral or written.
- g) Hazardous Materials. Seller represents that to the best of Seller's knowledge and belief, the "Property" does not contain, nor are there located on the Property, any toxic materials, hazardous substances or hazardous waste as those terms are used in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Section 9601 et seq. as amended, Superfund Amendments and Reauthorization Act of 1986, Resource Conservation and Recovery Act of 1976 or in any other federal, state or local law regulating the use, release, generation or disposal there as such laws are amended from time to time, nor has the Property been treated with any toxic chemicals in violation of such laws and regulations. Seller has received no reports of any such violations. Seller represents that there are no underground storage tanks on the premises.
- h) Bankruptcy. There are no attachments, executions, assignments for the benefit of creditors, receiverships, conservatorships or voluntary or involuntary proceedings in bankruptcy or actions pursuant to any other debtor relief laws contemplated by Seller or pending against Seller or the Property.
- i) Seller is not a "foreign person" as that term is defined in Internal Revenue Code Section 1445 (f)(3), nor is the sale of the Property subject to any withholding requirements imposed by the Internal Revenue Code, including, without limitation, Section 1445 thereof.

- j) To the best of Seller's knowledge, the Property contains no threatened or endangered species or endangered or protected habitats or items of archaeological significance as defined by applicable state or federal laws.
- k) To the best of Seller's knowledge, there are no cemeteries, grave sites or burial sites located on or immediately adjacent to the Property.
- l) To the best of Seller's knowledge, the information and materials furnished and to be furnished to Purchaser by Seller, and Seller's representations and warranties made herein or in connection herewith, are true, complete and accurate and do not omit to include any material information necessary to make the same true or not misleading.

Seller shall disclose to Purchaser, in writing, any conditions or events that arise or occur subsequent to the effective date of this Agreement and prior to the Closing, that become known to Seller and which contradict or materially modify any representation of Seller set forth herein or otherwise have a material effect upon the Property or its use. Seller will not allow or cause any action to be taken that will cause any of the foregoing representations or warranties to be untrue or incorrect at Closing, or fail to take any action that may be required to keep such representations and warranties true and correct at Closing. The representations, warranties and obligations of Seller pursuant to this Section shall survive Closing of this Contract for a period of six (6) months after Closing.

Within seven (7) business days after the Effective Date, Seller shall deliver to Purchaser copies of all materials, to the extent they are in the possession of Seller, such as but not limited to surveys, title reports, environmental reports, leases and etc.

9. RISK OF LOSS: All risk of loss or damage to the Property by fire, windstorm, casualty, or other cause is assumed by Seller until Closing. In the event of substantial loss or damage to the Property before Closing, Purchaser shall have the option to either (i) terminate this Agreement with written notice to Seller, whereupon the Deposit shall immediately be returned and neither party shall have any further rights or obligations pursuant to this Agreement, (ii) consummate this Agreement, in which event Seller shall assign to Purchaser all of Seller's rights under any policy or policies of insurance applicable to the Property.

10. CONDEMNATION: If, prior to Closing, action is initiated or threatened to take any portion of the Property by eminent domain proceedings or if any portion of the Property is sold in lieu of condemnation, Purchaser, may as its sole remedy, either (i) terminate this Agreement with written notice to Sellers, whereupon deposit shall immediately be returned and neither party shall have any further rights or obligations pursuant to this obligation or (ii) consummate Closing, whereupon the award of the condemning authority shall be assigned to Purchaser at Closing with no reduction, offset or abatement to the Purchase Price.

11. REAL ESTATE COMMISSION: Seller and Purchaser each represents and warrants that it has not engaged the services of or dealt with any broker, salesperson or other person or entity who may claim a commission or other payment in conjunction with this Agreement, with the exception of Specter Properties, Inc. ("Specter"). Seller agrees



to pay Specter a real estate commission in the amount of Thirty-Two Thousand Dollars (\$32,000.00) and direct the settlement agent to disburse such commission accordingly at Closing.

## 12. DUE DILIGENCE, CONDITIONS AND CONTINGENCIES:

a) Seller and Purchaser authorize their respective attorneys and the settlement agent to furnish to Specter Properties, Inc. copies of the final settlement statement for the purchase and sale contemplated by this Agreement.

b) Purchaser shall have one hundred Twenty (120) days from the Effective Date for an "Due Diligence Period" within which to conduct and complete, at Purchaser's sole expense, all inspections, investigations and testing with respect to the Property that Purchaser desires in the sole discretion of Purchaser. During the Inspection Period, Purchaser, its employees, agents, invitees and contractors shall have the right to enter upon the Property for the purpose of performing the foregoing inspections, investigations and tests. Seller shall not be obligated to correct, remedy or cure any condition or characteristic of the Property revealed by such inspections, investigations and tests including, but not limited to, environmental issues. If Closing contemplated by this Agreement does not occur because of a permitted termination by Purchaser or because of default by Purchaser, Purchaser shall restore the Property to the condition in which it existed immediately prior to Purchaser's entry thereon and deliver to Seller originals or legible copies of all reports about the Property obtained by Purchaser in connection with the rights granted by paragraph 12. Before any entry upon the Property, Purchaser shall cause Purchaser's contractors to provide and maintain, workers' compensation insurance, to the extent required under the Workers' Compensation Law of the Commonwealth of Virginia, and commercial general liability insurance, all in form and with coverage limits reasonably satisfactory to Seller and with insurance companies authorized to do business in the Commonwealth of Virginia. If the results of such inspections, investigations and tests with respect to the Property are deemed unsatisfactory in Purchaser's sole discretion, then Purchaser may terminate this Agreement by giving notice of such termination to Seller and Specter prior to the end of the Inspection Period as addressed above in 12b. Upon any such termination neither party shall have any further rights or obligations hereunder other than those which survive termination pursuant to the express terms hereof. If Purchaser fails to so terminate this Agreement, Purchaser shall be deemed to have waived such right under this sub-paragraph.

c) Purchaser acknowledges and agrees that Purchaser is purchasing the Property "AS IS, WHERE IS" and with any existing defects (either latent or patent) and in its condition (environmental and otherwise) at Closing. Purchaser also acknowledges and agrees that Seller has not made and does not make any representations or warranties, either express or implied, with respect to the Property, the operations of the Property or otherwise, or the physical condition, fitness for a particular purpose or merchantability of any of the Property. In entering into this Agreement, Purchaser has not been induced by, and has not relied upon, any representations, warranties or statements, whether express or implied, made by Seller, or by any agent, employee or other representative of Seller or by Specter or by any agent, employee or other representative of Specter or by any other entity or person representing or purporting to represent Seller. Instead, Purchaser's decision to purchase the Property shall be based solely upon Purchaser's own evaluation of the Property.

d) Seller is disclosing that a portion of a property located on E. Bank Street is leased to Eddie Moore. Tenant is currently on a month-to-month lease paying Two Thousand Dollars (\$2,000.00) per month with no deposit. Prior to the Purchaser taking title to the Property, the tenant will be given notice by Seller of lease termination and the tenant will have vacated the Premises. Removal of the tenant by Seller is a condition precedent to the sale. Should Seller fail to remove tenant within a reasonable time of Notice by Purchaser of its intent to proceed, Purchaser may terminate this Agreement and the deposit shall be returned to the Purchaser with no further obligations under this Agreement.

e) Seller understands that this Agreement is contingent upon appropriation and approval by City Council and that the person signing on behalf of the City is required to present this contract to the City Council of Petersburg, Virginia for two (2) readings which requires two (2) separate meetings. Seller will sign the contract for these presentations and Seller's obligations under the Agreement shall become binding upon such execution. In the event at the second reading the City Council of Petersburg, Virginia fails to appropriate funds and formally approve the contract, Purchaser shall have no further obligations pursuant to this Agreement

f) Specter Properties, Inc. and Mark B. Specter have acted on behalf of and represented the Seller in this transaction. The Purchaser has represented themselves in this transaction.

g) Purchaser may assign this contract of its rights or obligations under this Agreement without the prior written consent of the Seller.

h) Purchaser's obligation to close on the purchase of the Property under this Contract is further contingent upon each and all of the following:

i. All of Seller's warranties, representations and covenants contained in this Contract shall be and remain true, correct, complete and fully performed and will remain for a period of six (6) months after Closing;

ii. There shall have occurred no material adverse change in the physical (including environmental), financial or legal conditions of the Property from the conditions existing as of the Effective Date; and

iii. Seller must be ready, willing and able to deliver good and marketable title to the Property to Purchaser, and Purchaser's Title Company must be be unconditionally prepared to issue a standard ALTA owner's form title policy insuring good and marketable fee simple title to the Property with a liability limit in at least the amount of the Purchase Price at standard premium rates.

13. NOTICES: All notices, requests and communications under this Agreement shall be given in writing and sent by Federal Express or UPS for next day delivery to the following addresses:

TO PURCHASER:

Kenneth Miller, Interim City Manager  
City of Petersburg  
135 N. Union Street  
Petersburg, VA 23803  
and

Anthony Williams, City Attorney  
City of Petersburg  
135 N. Union Street  
Petersburg, VA 23803

TO SELLER:

Bollingbrook Properties, LLC  
c/o W.G. Becker, III  
11995 Johnson Road  
Petersburg, VA 23805

COPY TO BROKER:

Mark B. Specter  
Specter Properties, Inc.  
P.O. Box 2455  
9401 Courthouse Road, Suite C  
Chesterfield, VA 23832

14. DEFAULT:

- a) By Purchaser – If Purchaser defaults under this Agreement, the damages suffered by Seller would be difficult to ascertain. Therefore, Seller and Purchaser agree that in the event of default by Purchaser, Seller's sole and exclusive remedy, in lieu of all other remedies, shall be to terminate this Agreement and receive the Deposit as full and complete liquidated damages.
- b) By Seller – If Seller defaults under this Agreement, Purchaser shall have the option to (i) seek specific performance of this Agreement, or (ii) terminate this Agreement, in which event the Deposit shall be refunded to Purchaser.

15. ENTIRE AGREEMENT: This Agreement contains the entire agreement between Seller and Purchaser and may not be modified or changed, except by written instrument executed by both.

16. MISCELLANEOUS: This Agreement shall be construed, interpreted, and applied according to the law of Virginia, and it shall be binding upon and shall inure to the benefit of the personal representatives, successors, and assigns of the parties. Seller and Purchaser agree that a signature transmitted by electronic mail (also known as email) and DocuSign shall have the same effect as an original signature. This Agreement may be signed in one or more counterparts, each of which is deemed to be an original and all of which shall together constitute the same instrument. This Agreement will not be construed more strictly against Seller than against Purchaser no matter if it was prepared on behalf of one of the parties, it being agreed by Seller and Purchaser that both Seller and Purchaser have contributed substantially and materially to its content. Purchaser and Seller each knowingly, voluntarily, intentionally, and irrevocably waive trial by Jury in any dispute, action, proceeding, or counterclaim involving any matter whatsoever arising out of or in any way connection with this contract.

17. FURTHER ASSURANCES. Seller, after the Closing, not to exceed six (6) months, at the request of Purchaser and without further consideration, shall execute, acknowledge and deliver such documents and perform such further acts (including, without limitation, executing any further consents, assignments, conveyances and other assurances, documents and instruments of transfer and obtaining any consents,

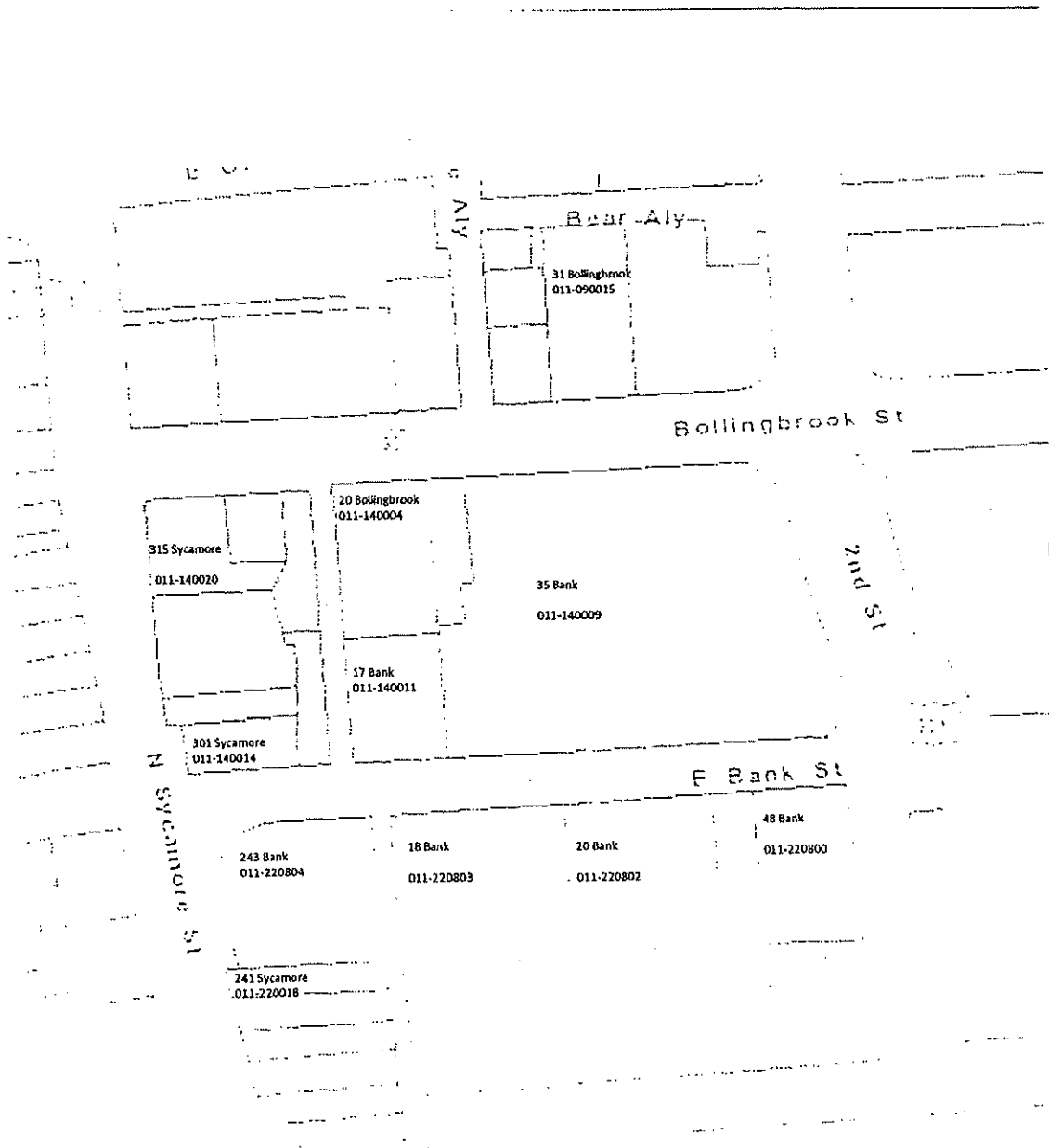


exemptions, authorizations, or other actions by, or giving any notices to, or making any filings with, any governmental authority or any other person), and will take any other action consistent with the terms of this Agreement, that may reasonably be necessary for the purpose of carrying out the intent of this Agreement.

18. ESCROW AGENT: Escrow Agent shall hold and disburse the Deposit in accordance with the terms and provisions of this Agreement. In the event of doubt as to the duties or liabilities under the provisions of this Agreement, the Escrow Agent may, in his sole discretion, continue to hold the monies that are the subject of this escrow until the parties mutually agree to the disbursement thereof, or until a judgment of a court of competent jurisdiction determines the rights of the parties thereto. In the event of any suit in which Escrow Agent interpleads the Deposit, the Escrow Agent shall be entitled to recover a reasonable attorney's fee and cost incurred, said fees and cost to be charged and assessed as court costs against the non-prevailing party. WITNESS the following duly authorized signatures:

---

# Exhibit I



# Exhibit II

CITY OF PETERSBURG 300 JAMISON AVE PETERSBURG, VA 23094	141 N STEWART ST 2121 092	DATE 1-11-2022 AFTER WHICH 10% PENALTY AND 10% ANNUAL INTEREST WILL ACCRUE	MASTER PROPERTIES, LLC	VA 23094	PAGE 35
OWNER NAME/ADDRESS	DESCRIPTION	LAND ASSESSMENT	TOT ASSESSMENT	ANNUAL TAX	TAX DUE
MASTER PROPERTIES LLC ALBERT BUTTLE JR PO BOX 132 CHARLOTTESVILLE VA	64.5 X 116 64.5 X 116 011 - - 09-0015	41700	61300	541.35	215.33
MASTER PROPERTIES LLC ALBERT BUTTLE JR PO BOX 132 CHARLOTTESVILLE VA	TWO PARCELS TWO PARCELS 011 - - 14-0004	41250	65500	599.12	224.78
MASTER PROPERTIES LLC ALBERT BUTTLE JR PO BOX 132 CHARLOTTESVILLE VA	6 PARCELS 1.35 ACRES 6 PARCELS 1.35 ACRES 011 - - 14-0009	438200	316500	4259.24	1984.81
MASTER PROPERTIES LLC ALBERT BUTTLE JR PO BOX 132 CHARLOTTESVILLE VA	TWO PARCELS TWO PARCELS 011 - - 14-0011	11430	55500	749.24	287.31
MASTER PROPERTIES LLC ALBERT BUTTLE JR PO BOX 132 CHARLOTTESVILLE VA	41.5X83.1-87.9 41.5X83.1-87.9 & INT CN ALLEY TO EAST 011 - - 14-0014	21590	33500	452.24	113.06
MASTER PROPERTIES LLC ALBERT BUTTLE JR PO BOX 132 CHARLOTTESVILLE VA	77.3X53.58-88.2 77.3X53.58-88.2 011 - - 14-0020	35120	56200	745.20	186.30
MASTER PROPERTIES LLC ALBERT BUTTLE JR PO BOX 132 CHARLOTTESVILLE VA	22.65 X 115 22.65 X 115 011 - - 14-0020	15500	15500	205.34	52.31
MASTER PROPERTIES LLC ALBERT BUTTLE JR PO BOX 132 CHARLOTTESVILLE VA	FT. PARCEL 2 FT. PARCEL 2 011 - - 22-0013	46500	61500	872.12	218.03
MASTER PROPERTIES LLC ALBERT BUTTLE JR PO BOX 132 CHARLOTTESVILLE VA	30 E BANK ST 99.5-100X16 011 - - 22-0012	153100	168500	2536.00	634.50
MASTER PROPERTIES LLC ALBERT BUTTLE JR PO BOX 132 CHARLOTTESVILLE VA	18 E BANK ST 145-145X11.6-173 011 - - 22-0013	128120	234100	3397.35	999.34
MASTER PROPERTIES LLC ALBERT BUTTLE JR PO BOX 132 CHARLOTTESVILLE VA	243 E BANK ST 72.9-141.3X33.4-133.5 011 - - 22-0014	126000	40100	1591.35	472.84
MASTER PROPERTIES LLC ALBERT BUTTLE JR PO BOX 132 CHARLOTTESVILLE VA	23302-8132				
	TOTAL				1158.51





# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** October 4, 2022

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** March Altman, Jr., City Manager

**FROM:** Brian Moore

**RE:** **Proclamation for National Hispanic Heritage Month (Page 234)**

**PURPOSE:** The Virginia Hispanic Chamber of Commerce has proclaimed September 15 – October 15, 2022 as National Hispanic Heritage Month.

**REASON:** This proclamation is an effort to highlight Virginia's Hispanic Heritage; and continue to ensure that the Hispanic Population is heard, showcased, and valued.

**RECOMMENDATION:** The Department of Economic Development recommends the City Council acknowledge National Hispanic Heritage Month.

**BACKGROUND:** This proclamation is made to recognize and celebrate the Hispanic communities throughout Virginia; and celebrate the History and contributions of individuals who trace their roots to Spain, Mexico, Central America, South America, and the Spanish-speaking nations of the Caribbean. 820,874 Latinos reside in Virginia, comprising 9.6% of the Commonwealth's total population; and people of Hispanic origin make up the nation's second largest ethnic group in the U.S. and play a major role in shaping our economy and society. According to The Pew Research, the U.S. population grew by 23 million between 2010 and 2020. Hispanics/Latinos accounted for 51% of this increase, a greater share than any other racial or ethnic group. The Commonwealth recognizes the accomplishments of its communities, all of whom contribute greatly to building and sustaining Virginia's economy. Over the next two decades, the Hispanic population in Virginia will continue to increase at a much faster rate than the overall population. The City of Petersburg recognizes and expresses appreciation for the businesses in Petersburg who make up the local economy and provide employment opportunities to the City's residents. This Hispanic Heritage Month, let us capture the nation's attention, highlighting Hispanic contributions, facts, amazing stories and data. Let's put a spotlight on these often-unseen individuals shaping our new communities and give them the recognition they deserve. Let's be part of the necessary narrative change. Let's elevate the voice and perception of the Hispanic community. The time is now to send together a strong and unified message. The diverse array of communities in Petersburg businesses provide goods, services locally, throughout the Commonwealth of Virginia, and world-wide.

**COST TO CITY:** N/A

**BUDGETED ITEM:** N/A

**REVENUE TO CITY: N/A**

**CITY COUNCIL HEARING DATE: 10/4/2022**

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A**

**AFFECTED AGENCIES: N/A**

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A**

**REQUIRED CHANGES TO WORK PROGRAMS: N/A**

**ATTACHMENTS:**

1. Hispanic Heritage Month 2022 - color

## Office of the Mayor

# Petersburg



# Virginia

# Proclamation

**WHEREAS**, The Virginia Hispanic Chamber of Commerce has proclaimed September 15 – October 15, 2022, as National Hispanic Heritage Month; and

**WHEREAS**, this proclamation is an effort to highlight Virginia’s Hispanic Heritage; and continue to ensure that the Hispanic Population is heard, showcased, and valued; and

**WHEREAS**, this proclamation is made to recognize and celebrate the Hispanic communities throughout Virginia; and celebrate the History and contributions of individuals who trace their roots to Spain, Mexico, Central America, South America, and the Spanish speaking nations of the Caribbean; and

**WHEREAS**, 820,874 Latinos reside in Virginia, comprising 9.6% of the Commonwealth’s total population; and people of Hispanic origin make up the nation’s second largest ethnic group in the U.S. and play a major role in shaping our economy and society; and

**WHEREAS**, according to the Pew Research, the U.S. population grew by 23 million between 2010 and 2020. Hispanics/Latinos accounted for 51% of this increase, a greater share than any other racial or ethnic group; and

**WHEREAS**, the Commonwealth recognizes the accomplishments of its communities, all of whom contribute greatly to building and sustaining Virginia’s economy, over the next two decades, the Hispanic population in Virginia will continue to increase at a much faster rate than the overall population; and

**WHEREAS**, the City of Petersburg recognizes and expresses appreciation for the Businesses in Petersburg who make up the local economy and provide employment opportunities to the City’s residents; this Hispanic Heritage Month, let us capture the nation’s attention, highlighting Hispanic contributions, facts, amazing stories and data. Let’s put a spotlight on these often-unseen individuals shaping our new communities and give them the recognition they deserve. Let’s be part of the necessary narrative change. Let's elevate the voice and perception of the Hispanic community. The time is now to send together a strong and unified message; and

**WHEREAS**, the diverse array of communities in Petersburg businesses provide goods, services locally, throughout the Commonwealth of Virginia, and world-wide.

**NOW, THEREFORE, I, Mayor Samuel Parham**, by virtue of the authority vested in me by the City of Petersburg, do hereby proclaim the month of

**September 15 – October 15, 2022**

**As**

**“HISPANIC HERITAGE MONTH”**

in the City of Petersburg and urges all citizens to support local businesses throughout the month and into the future.

Dated: 10/04/2022

---

Mayor, Samuel Parham

ATTEST:





# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** October 4, 2022  
**TO:** The Honorable Mayor and Members of City Council  
**THROUGH:** March Altman, Jr., City Manager  
**FROM:** Anti-Poverty Commission  
**RE:** **Presentation by the Anti-Poverty Commission. (Page 237)**

---

**PURPOSE:** For informational purposes only.

**REASON:** For informational purposes only.

**RECOMMENDATION:** For information only.

**BACKGROUND:** See attached PowerPoint presentation.

**COST TO CITY:** N/A

**BUDGETED ITEM:** N/A

**REVENUE TO CITY:** N/A

**CITY COUNCIL HEARING DATE:** 10/4/2022

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:** N/A

**AFFECTED AGENCIES:** N/A

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:** N/A

**REQUIRED CHANGES TO WORK PROGRAMS:** N/A

**ATTACHMENTS:**

1. Petersburg Anti-Poverty Commission Presentation 10-4-22

# Petersburg Anti-Poverty Commission Third Report

Overcoming poverty is not a task of charity, it is an act of justice.  
“Extreme poverty anywhere is a threat to human security everywhere.”

Nelson Mandela

October 4, 2022

# **The Anti-Poverty Commission**

## **Members**

Dr. Rosezelia Weaver Roy, Chairperson

Pastor Michael Shannon, Vice Chairperson

Ms. Keitoya Taylor, Secretary

Mr. Linwood Christian

Mrs. Florence Rhue

Mrs. Barbara Hoosier

Mrs. Deborah Buford

Advisor

Councilwoman Treska Wilson-  
Smith

Mrs. Beverly McLaughlin  
Supporting Contributor



# **The Anti-Poverty Commission**

- Citizens of Petersburg applied and have been appointed by City Council.
- The Anti-Poverty Commission was established in July of 2015.
- We have adopted the theme:

**“Giving a hand up, not a hand out!”**

- The Anti-Poverty Commission’s goal is to influence public policy to address poverty and the impact of poverty.
- Strategies are to address interventions by the local government of Petersburg in conjunction with the community and private sectors.

# The Anti-Poverty Commission

---

## Phase One

Collaborate with surrounding communities regarding their efforts to combat poverty.

## Phase Two

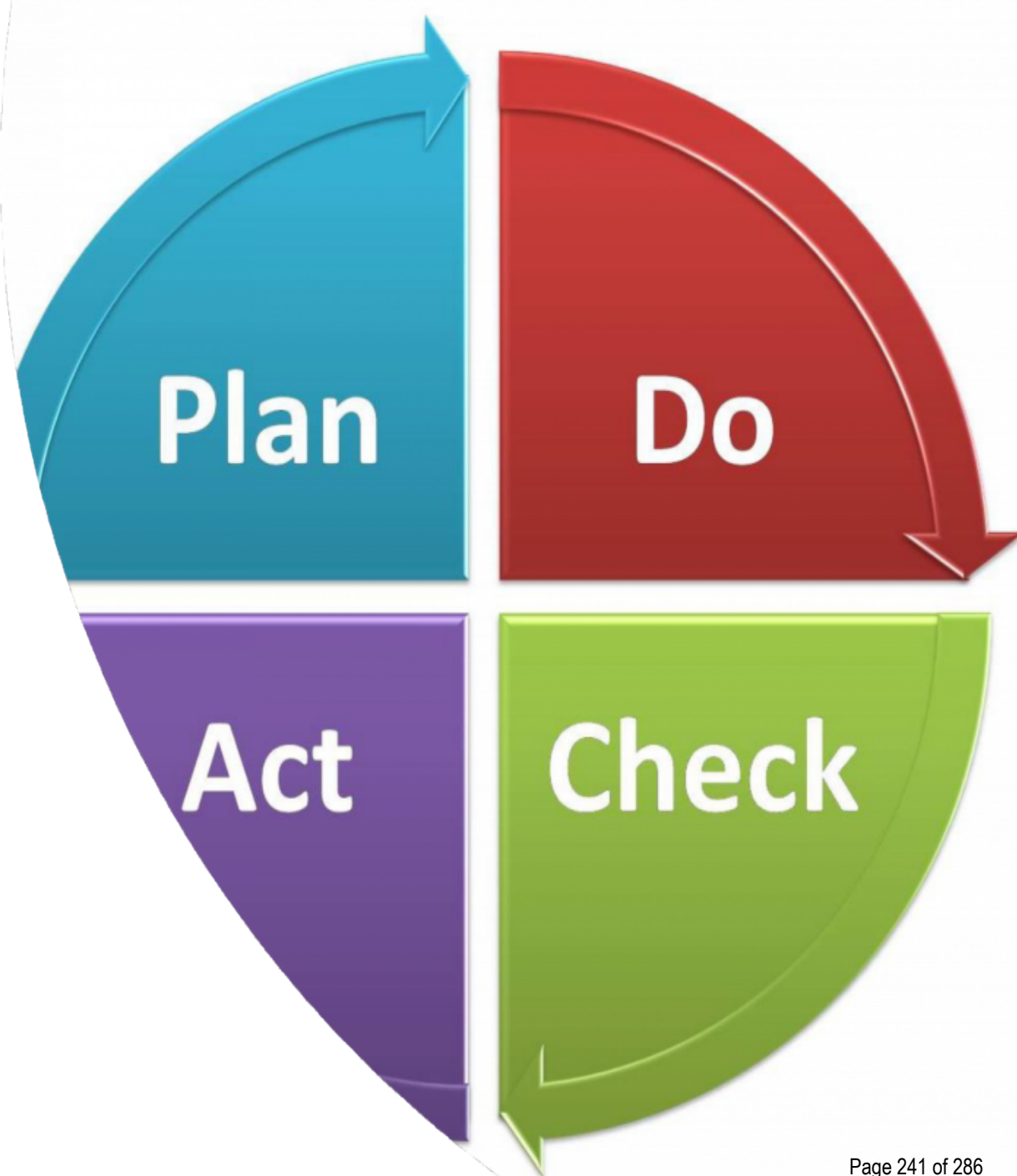
Identify Petersburg's current state of poverty. Develop metrics by which to measure, track and report efforts to decrease poverty in the City of Petersburg.

## Phase Three

Collaborate with City Council and the community to increase awareness about poverty in the City of Petersburg. Via a symposium and poverty simulation.

## Phase Four

Continue to collaborate with members of the community, private sector and local government to develop a plan of action to decrease poverty in the City of Petersburg.



# Petersburg Population - U.S. Census Bureau 2020

The U.S. Bureau of the Census defines poverty as money income before taxes (not having enough income/resources to provide the necessities of life such as food, clothing, shelter, clean water and medical attention).

Petersburg has a population of approximately 32,216 residents as of 2020.

## Percentage of Persons in Poverty

- Petersburg, VA - 22.6%
- State of Virginia - 0.2%
- National - 11.6%



# The Pathway Out of Poverty

In Crisis	At Risk	Safe	Stable	Thriving
No income or assets	Seeking job or temp/seasonal job or other legal income	Employed in Semi-stable job	Permanent and Stable job paying living wage	Permanent stable Employment Sufficient to build assets
No skills or credentials	Temporary or transitional housing	Housing is stable and is affordable (maybe With subsidy)	Housing is stable and is affordable without subsidy	Housing is Permanent and affordable without subsidy
Homeless or unstable housing	Transportation and Childcare available, But not affordable or reliable	Transportation and Childcare are generally reliable and affordable	Transportation and childcare are reliable and affordable	Transportation and childcare and reliable and affordable
No or unreliable transportation or childcare	Seeking GED or vocational training.	Has high school Diploma, GED, or vocational training.	Career and Educational plan in place, active and on-going learning	Implementing education and career plan
Safety and mental health risks are high				
Addictions and/or legal problems			<b>Based on HUD Self-Sufficiency Matrix</b>	

# Petersburg Anti-Poverty Commission Survey

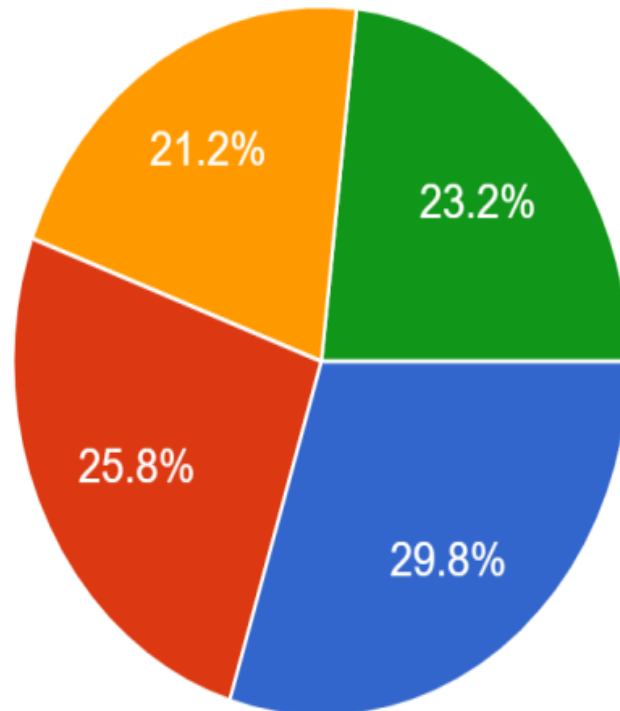
“Poverty Reduction in Petersburg Your Thoughts”

Anti-Poverty Commission Survey 2021

# APC Survey

How does poverty affect you and your family? (Check One)

151 responses



- Greatly
- Moderately
- Slightly
- Not at all

**Blue** – Greatly  
29.8%

**Red** – Moderately  
25.8%

**Orange** – Slightly:  
21.2%

**Green** – Not at all  
23.2%



# APC Survey

As Petersburg works to reduce poverty, which areas do you think we need to address. (Check all that apply)

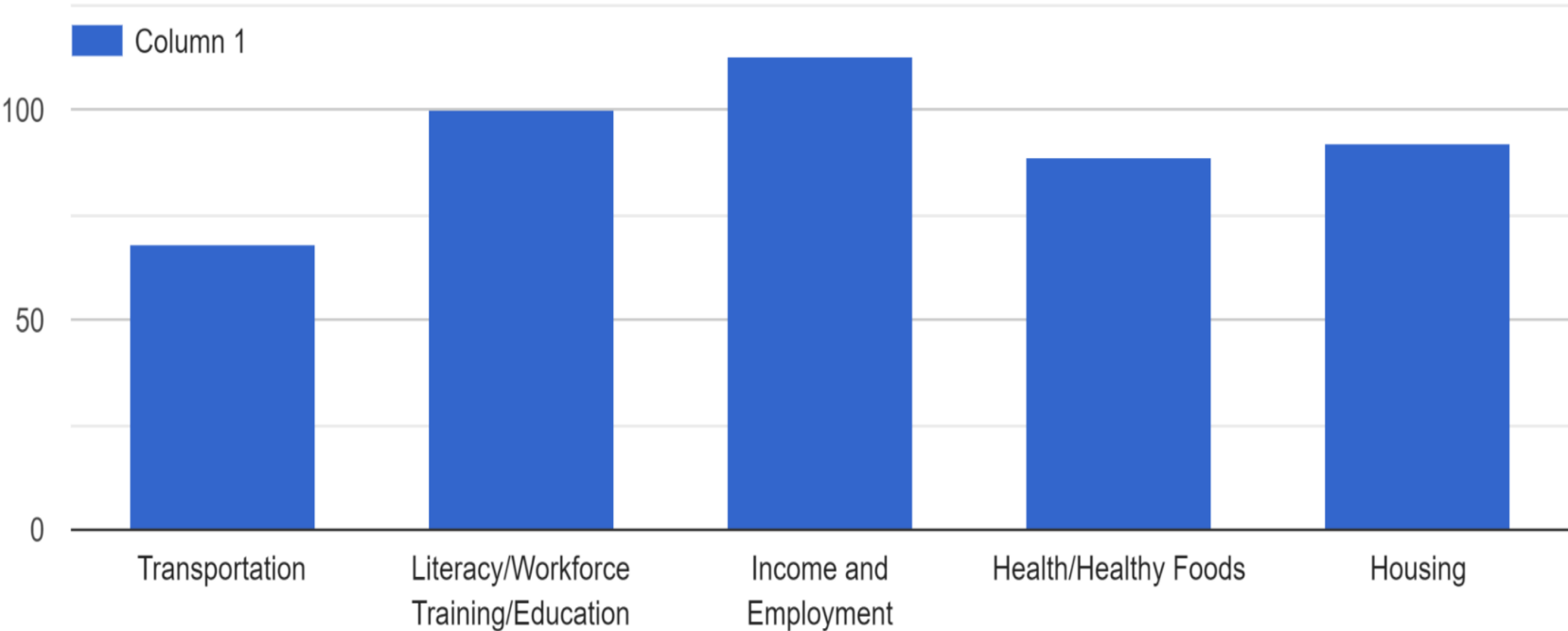
**Out of 152 participants**

**Income/Employment** – 113  
Participants

**Literacy/Workforce  
Training/Education** - 100 Participants

**Housing** - 92 Participants

**Other areas to address:** Crime,  
Broadband, Access to  
Services and Care, Family  
Dynamics, Equity/Income



# APC Survey

Prioritize what Petersburg can work on from most important number 1 to least important number 6 to reduce poverty.

**Income/Employment-First**

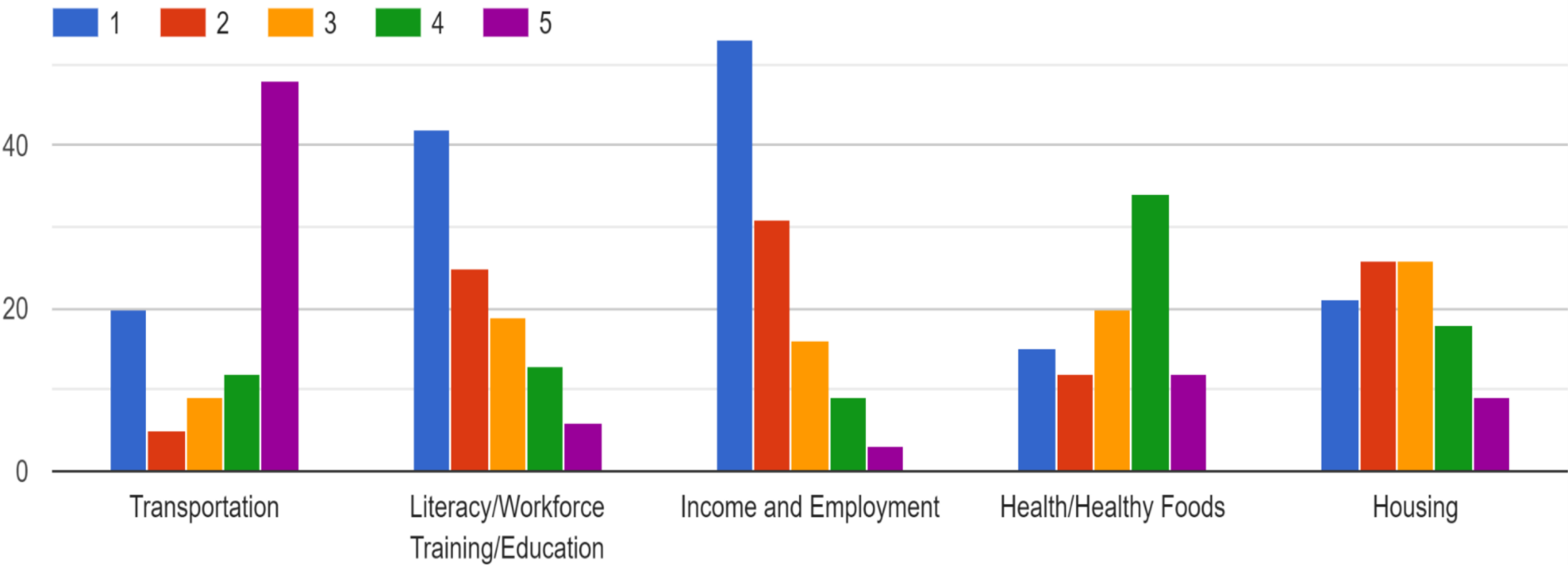
**Transportation-Second**

**Literacy – Third**

**Healthy Food - Fourth**

**Housing – Fifth**

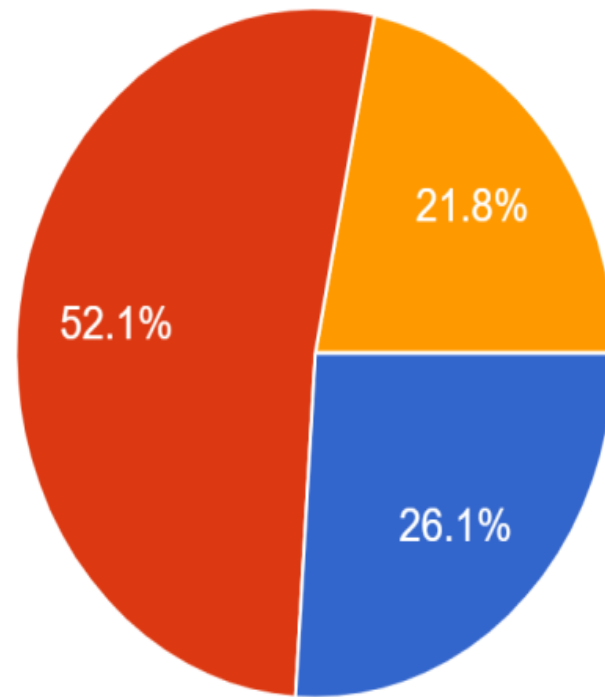
**Other - Crime Number One concern**



# APC Survey

Are you aware of services Petersburg provides and where to find them? (Check one).

142 responses



- Aware of services
- Somewhat aware of services
- I don't know

Blue – **Aware of Services:** 26.1%

Red - **Somewhat Aware of Services:** 52.1%

Orange – **I don't know:** 21.8%



# APC Survey

What is the best way for the city of Petersburg to inform you of the services provided? (Check all that apply)

145 responses

**Telephone:**

35.2%

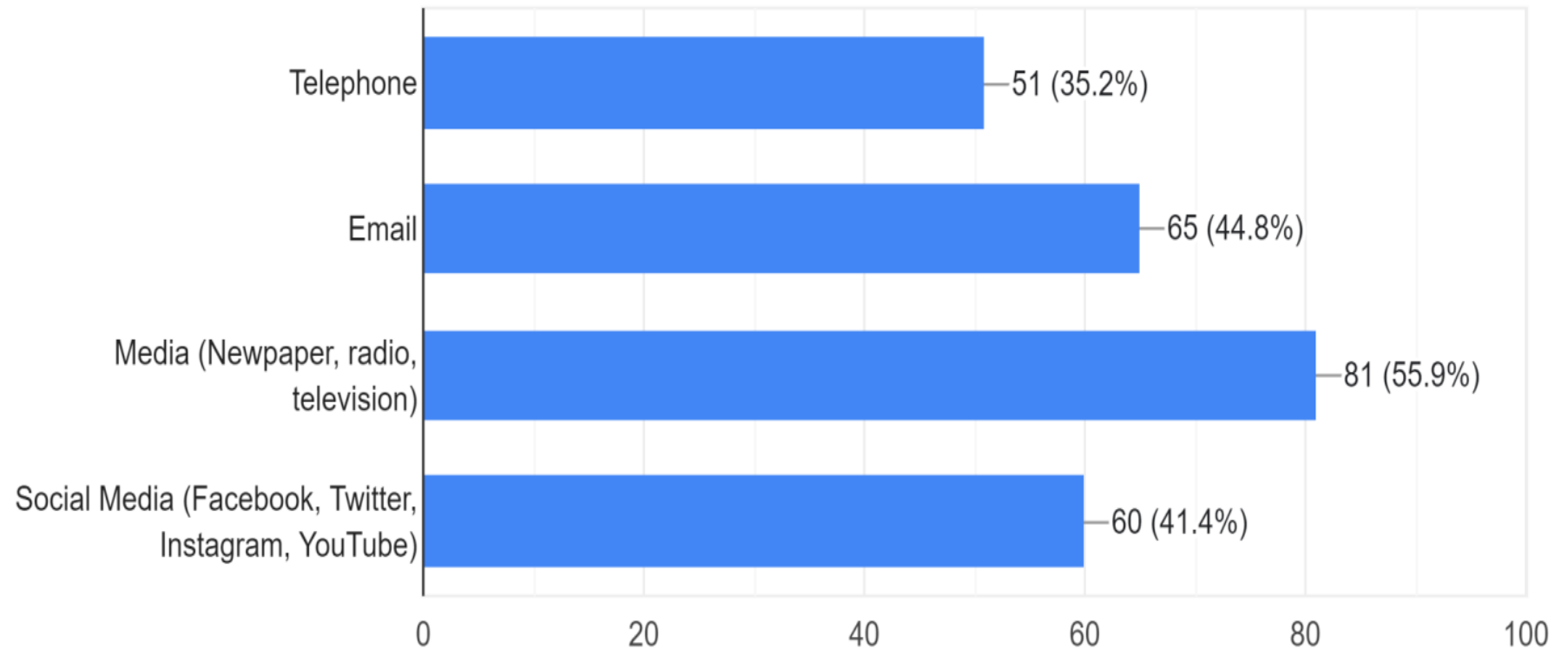
**Email:**

44.8%

**Media (Newspaper,  
Radio, Television):**

55.9%

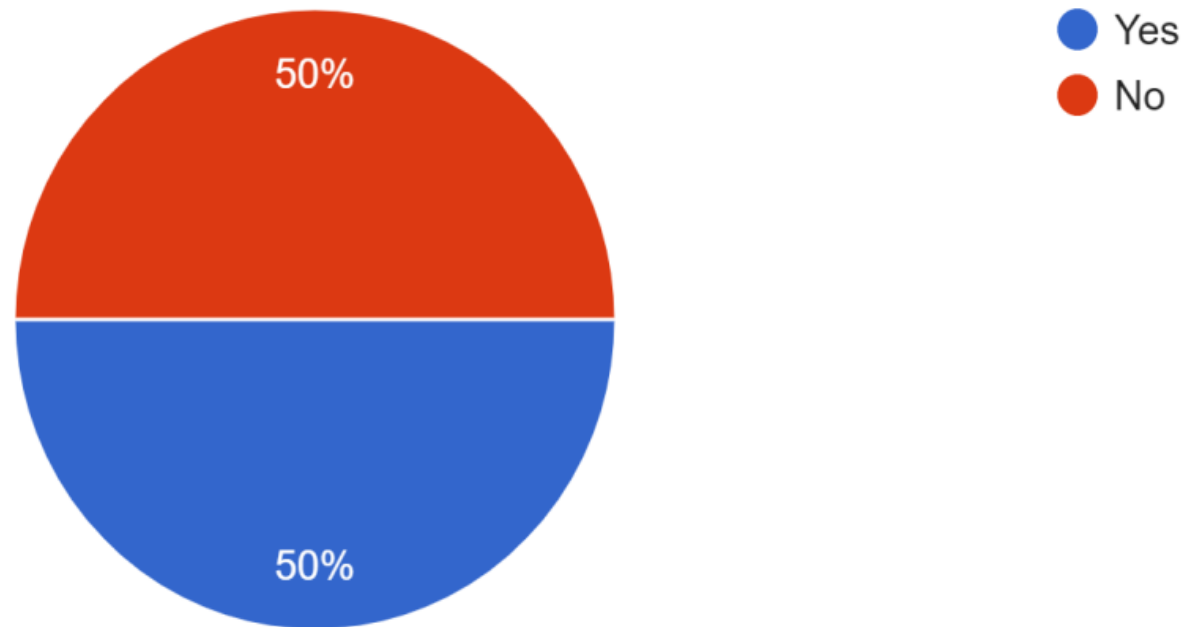
**Social Media:** 41.4%



# APC Survey

Do you think that Petersburg City Public Schools are adequately preparing students to succeed in the world of work, college, military and other areas? (Check one)

140 responses



- **Red – No: 50%**

- **Blue – Yes: 50%**

# Citizen Survey Comments

**Question:** How can we work together to make Petersburg a better place to live, attend school, be employed, express your beliefs, and thrive as a community?

1. After school resources and community engagement.
2. Devise a plan, execute the plan, state expectations for City annually and define goals with objectives.
3. More community involvement especially for the children.
4. Educate the population about financial literacy and general wealth and the importance of nutrition and healthy living. Encourage empathy, consideration and respect.
5. To be more motivated in helping with program and get the government to bring more business and better schools.



How can we work together to make Petersburg a better place to live, attend school, be employed, express your beliefs, and thrive as a community? (Continued)

6. Reaching out to all members living in Petersburg house to house.

7. Collaborate, Connect and Care.

8. Resources, resources, resources. Work together as a community (each one, help one).

9. We need more money to go toward education and employment opportunities.

10. Teach and educate citizens to be members of today's workforce.

11. More jobs, continue to bring businesses, and clean up the blight.

12. Industry is needed in order to create jobs for others. A school needs to be built with modern technology. Tear down/rebuild all of these blighted houses.

# Overview of Strategic Areas

The Anti-Poverty Commission has taken the role of identifying strategies to reduce poverty. The focus has been on the following areas:

- Job Creation
- Workforce Training/Education
- Healthy Communities
- Transportation
- Financial Literacy
- Policy/Legislation and Research/Evaluation

# **ANTI-POVERTY COMMISSION FINDINGS**



# **JOB CREATION**

# JOB CREATION

The job creation strategies outlined here reflect the wide range of approaches utilized to increase the levels and quality of employment across the U.S. The focus is on reducing overall poverty, extreme poverty, and concentrated poverty through increased employment.

- **Federal and State Level Strategies** - include interest rate reduction and government hiring and purchasing, and tax credits.
- **Place-based Strategies** - relate to long-term commitments to specific jurisdictions (cities, towns, or neighborhoods) that strive to achieve better results for disadvantaged children, youth, families and seniors.
- **Enterprise Zones** - provide tax incentives and other cost-lowering benefits, government can help businesses overcome the barriers to underdeveloped areas, thus stimulating to increase jobs, income, and real estate investment.
- **Redevelopment Areas and Tax Increment Financing (TIF)** - facilitates the improvement of blighted, contaminated, or otherwise underdeveloped areas.

Resource: [Job Creation: A Review of Policies and Strategies \(berkeley.edu\)](https://www.berkeley.edu/job-creation)

# **REBUILDING COMMUNITIES**

## **JOB SUBSIDIES**

Rebuilding a Community Through Investment and Jobs  
Model: “Building Indiana Business, 38<sup>th</sup> and Sheridan Project”  
(Mirrored characteristics of Petersburg)

### **Project: Building a medical device company**

- Choose areas with high rates of unemployment, poverty, and other systemic issues.
- Challenge meant a lot more than just hiring local people.
- New employees would need training, education and support.

“The challenges of general poverty, substance use disorder and barriers to education confronts countless communities across Indiana.”

- **Outcome**: Generated partnerships that enabled the company’s new workers to succeed and ultimately regain a sense of ownership of their community.



# **WORKFORCE TRAINING/EDUCATION**

# **EFFECTIVE WORKFORCE PROGRAMS**

## **The 7 Habits of Highly Effective Workforce Programs**

Based on comprehensive research, seven key traits of successful programs were identified as follows:

1. Actively engage local business
2. Use labor market data to drive decisions
3. Treat education like a job
4. Connect people to careers
5. Provide wrap-around student services
6. Tap innovative funding sources
7. Embrace Evaluation

# LOCAL AND REGIONAL RESOURCES

Resources included but are not limited to:

- Virginia Workforce Center full-service employment assistance to include training, employment for adults and youth. This service is available for job seekers and employees.
- Freedom Support Center provides an array of services to veterans located on Washington Street in Petersburg.
- Pathways
- Goodwill
- Crater District Workforce Investment
- Virginia State University
- Richmond Bland College
- Brightpoint Community College
- Petersburg City Public School (Adult Continuing Education, Offering high school trade certification)

## National

- Successful Researched Model: National Center for Innovation and Excellence, A Dynamic Community, Wraparound services. The wraparound model is based on individualized, needs-driven planning and services.  
[Wraparound - The National Center for Innovation and Excellence \(ncfie.org\)](http://ncfie.org)



# WORKFORCE TRAINING/EDUCATION

- **Office of Community Wealth Building (OCWB)**

“Provide a supportive environment to prepare individuals for their next job or career. We collaborate with agencies, employers, organizations, and schools to offer job skills training and supportive services, creating self-sustaining career pathways for our participants.”

<https://www.rva.gov/index.php/community-wealth-building/career-stations-version-2>

- **Bridging the Gap in Virginia**

Collaboration with Community Wealth Building and other organization to help individuals transition from incarceration.

<https://btgva.org/>

- **Virginia Career Works Crater Region**

The Crater Regional Workforce Development Board coordinates workforce training and career services for (youth, adults and veterans) through federal funding Workforce Innovation and Opportunity Act (WIOA). Petersburg Office on Washington has moved to 6300 Crossing Blvd, Prince George. Will reopen in early October 2022.

<https://vcwcraterregion.com/>

- **Employment of Families Experiencing Homelessness**

May support parents in overcoming barriers to seeking and maintaining employment. For example, supports from these programs might include subsidized childcare or links to employment through referrals to job search assistance or skills training.

[hhs.gov/](https://hhs.gov/)

# **HEALTHY COMMUNITIES**

# **HEALTHY COMMUNITIES**

Various community related solutions to improve individuals' well-being among them are the following:

- Community Resiliency
- Community in Schools
- Healthy Community, Healthy Food Choices and Eliminating Food Desert
- Gun Violence
- Housing



# COMMUNITY RESILIENCY

## Building Resiliency

- **Resiliency** - is the ability to rise above or bounce back from adversity, using available resources to address the hardship or consequences of an adverse event.
- **Trauma**- a deeply distressing or disturbing experience by community members or an event that impacts a few people and social traumatic consequences.

### Best practices in Addressing Trauma in Individuals

1. Community - Positive school experiences, community resources, affirming faith communities, safe neighborhoods.
2. Social Support -Family and friends for support, supportive parent child relationships.
3. Individual - cognitive abilities, self-efficacy, healthy coping strategies.

### Three Main Ingredients for Building Resiliency (Trauma)

1. Social Network - helps to buffer individual's stress response.
2. Getting Back to Normalcy - resume everyday tasks, even with adjustments.
3. Meaning Making - acquire meaningful reason why events have occurred and how they may be able to take some positive takeaway from the event.

# COMMUNITY RESILIENCY

- Resilient Community by Dr. Paul Abernathy – Pittsburgh Project on Community Resilience
- Community Healing is of utmost importance. Most important is community development which is a process of trauma effectiveness in the community. This is our concern. The goal is community well-being, healing, empowerment and building relationships.
- Organization structure and grassroots uplifting is the answer. Boots on the ground.
- You must train people. They must have the right skill set to engage people, have resources, and know about challenges. Break it down to the people.
- We need people to inform others about upcoming events and opportunities.

# **NATIONAL RESEARCHED OUTCOMES**

## **“It Takes a Village”**

### **Community in School Findings – 100% eligibility**

- 62% of students improved attendance
- 81% improved behavior
- 73% improved academic performance
- “Research Best Practices confirms that the involvement of parents and families in their children’s education is critical to students’ academic success.” Resource: PTAs National Standards for Family-School Partnership.
- Together, schools, families, and communities can develop creative solutions to meet the diverse needs of all young people. The community school approach is often used as a turnaround strategy in struggling schools that primarily serve students from low-income families and students of color. These populations are likely to face out-of-school barriers, such as neighborhood violence and poverty, that contribute to opportunity and achievement. Five-year CIS study: For every \$1 spent yields \$11 in economic benefits.



# **COMMUNITIES IN SCHOOLS**

- Communities in Schools employ the concepts of intervening when students have problems that interrupts learning to include homelessness, hunger, illness that impacts their learning.

## **Petersburg City Public School**

### **Community in Schools Report Program 2020- 2021**

- Community in School representatives are in K-12 schools every day, wearing support around at-risk students and working hand-in-hand with their schools, families and communities to create access to the resources and opportunities that help them overcome and reach their full potential.”

### **2020-2021 Served 3,146 students**

- 72% of students improved their attendance and/or academics
  - 99% of K-12 students were promoted to the next grade
    - 100% of seniors graduated or received a GED

# **HEALTHY COMMUNITIES**

## **Health Equity**

What works? Social and Economic Opportunities to Improve Health for All. Creating Healthy and Equitable Communities. “Creating healthier communities where everyone can thrive and have a voice in the process for creating solutions requiring bringing people together.”

Resource: <https://www.countyhealthrankings.org/reports/what-works=social-and-economic-opportunities-to-improve-health-for-all>

## **Increase Health of Infants**

Infant mortality. Infants born to African Americans are 1.5 to 3 times more likely to die than infants born to women of other races/ethnicities.

## **Researched Outcomes**

Improved outcome and experience – Doula Fund – helps the Black community – Commenced April 2021. Partnership with Richmond City and Henrico District and County collaboration. Evidence notes improved outcome and experience, decreased rate of preterm birth, less interventions, like the use of forceps, and decreased C-section rate.

# **HEALTHY FOOD CHOICES AND ELIMINATE FOOD DESERT**

Reducing the Food Desert in Petersburg makes a list of Virginia places with the highest rate of food insecurity among children.

## **Petersburg food insecurity resources. Among them are:**

- Hope Center and Cares
- First Baptist Church -Washington Street, daily breakfast feeding
- Church in the city or organizations
- River Street Market
- Food drive-up distributions
- Community Feeding Programs
- Pop-up markets produce in various HOP's - (Healthy Options Partnership)
- Federal programs (SNAP)
- Encourage Viewing: Study Rendered by L. Douglas Wilder School of Government and Public Affairs Virginia Commonwealth University, December 9, 2019.



# **HEALTHY FOOD CHOICES AND ELIMINAT FOOD DESERT**

## **Establishing Grocery Store, Surry, VA Project**

- Leaders are working to add a grocery store to the community in an effort to eliminate the county's designation as a food desert. It is all part of the county's comprehensive plan to "continue its efforts to attract a grocery store and build a community center to address these health concerns."
- The grocery store is possible through a combination of grant and city money. They were awarded a \$300,000 grant that the Surry County Board of Supervisors committed to matching. The county also got an additional grant for \$107,000.
- Officials say the plan is to convert the former hardware store in Surry into a local market/grocery store. Surry Marketplace LLC, which owns the building, signed an agreement with United Natural Foods, Inc. Permits in progress.
- WAVY News – 6/27/2022

# **GUN VIOLENCE**

## **Life Camp Program**

- Provide youth and families that have been impacted by violence tools they need to stay in school and out of criminal justice system. It provides these highly curated offerings to address the unique and varied development needs of high-risk teens and young adults. Through their strategic partnerships, wrap-around services are also provided to credible messengers and critical stakeholders in every aspect of that young person's life, from parents to teachers, law enforcement, health services, clergy, peers, and Life Camp VIP staff, etc.

## **OUTCOMES**

- Life Camp, Inc. reduced violence by 80% in New York City. Richmond Resilience Program – Initiative, 24 months, the program was launched with \$240,000 provided by the city and funding and advisory partner Robins Foundation.

# HOUSING

## **Petersburg Housing Summit**

Realizing the extreme need for housing availability (affordable housing and homelessness), the Petersburg Housing Summit was sponsored by Councilwoman Treska-Wilson Smith, Genevieve Lohr, Social Worker, Police Department, and the Anti-Poverty Commission members.

**Two Part Sessions:** July and August 2022

- **Part One:** To gather community leaders, service providers, and stakeholders to build collaboration and share information regarding resources available to those in need.
- **Part Two:** To garner potential solutions to help individuals in need resolve their housing problems.



# HOMELESS RESOURCES IN THE CAMERON FOUNDATION SERVICE REGION

- 2019 Publication prepared by the VCU L. Douglas Wilder School of Government and Public Affairs for The Cameron Foundation.
- Cost-Benefit Analysis

	Service	No Service
Cost of Providing Housing Services	\$1,505,626.77	
Cost to Criminal Justice Intuitions		\$651,846.73
Cost of Emergency and other medical services		\$1,352,542.78
Total	\$1,505,626.77	\$2,004,389.51
<b>Net Benefit</b>	<b>\$498,762.74</b>	
<b>Return per every dollar spent</b>	<b>\$1.33</b>	

# HOUSING OWNERSHIP

- **Habitat for Humanities** -We provide housing for families who otherwise may never have a home of their own in the Tri-Cities of Virginia including Colonial Heights, Dinwiddie County, Hopewell and Petersburg.
- **HUD**-certified home buyers receive terms of no down payment or closing cost upon completion of workshop. and No Down Payment Financial Institutions: [The Best First-Time Homebuyer Loans With Affordable Mortgage Features \(businessinsider.com\)](https://www.businessinsider.com/best-first-time-homebuyer-loans-with-affordable-mortgage-features).
- **Regenesis**- Bless Blandford Project; Housing Ownership Opportunities of refurbished homes.
- **Cameron Foundation** - provides housing assistance and many areas including restoration.
- **Maggie Walker Community Land Trust**- MWCLT seeks to provide homeownership opportunities for those residents to help build the generational wealth that has been historically denied them.
- **Neighborhood Assistance Corporation of America (NACA)** a homeownership organization whose primary goal is to build strong, healthy neighborhoods in urban and rural areas nationwide through affordable homeownership. No down payment, no closing cost, no fees, no requirement for perfect credit, and at the below-market interest rate.
- **Housing First** - evidence-based, cost-effective approach to ending homelessness for the most vulnerable and chronically homeless individuals.
- Petersburg has limited availability of affordable accessible homes for aging adults. Use of federal, state and local investments to grow the supply of affordable, low-barrier, age-friendly housing, we can stem the tide of rental instability and homelessness for older renters so that all elders can afford to age in place.
- **No Down Payment Financial Institutions** - [The Best First-Time Homebuyer Loans With Affordable Mortgage Features \(businessinsider.com\)](https://www.businessinsider.com/best-first-time-homebuyer-loans-with-affordable-mortgage-features). Petersburg has limited availability of affordable accessible homes for aging adults September 7, 2022.

# **TRANSPORTATION**



# TRANSPORTATION

Harvard Study noted that communities that have lower commute times have “less segregation by income and race, lower levels of income inequity, better schools, lower rates of violent crime, and larger share of two-parent households” making cities accessible and sustainable is necessary for continued social and economic growth.

# **Financial Literacy**

# Financial Literacy

## **Finally, an Anti-Poverty Program that Actually Might Reduce Poverty by James Bacon, October 2019**

- “Most anti-poverty programs are double-edged swords. They alleviate the symptoms of poverty — insufficient money for housing, food, health care — but do nothing to induce poor people to change their behavior and improve their condition.” **James Bacon, October 2019**
- Can money management decrease poverty in the future? Yes, teach it in school. If money management was taught in schools just like math and science children would grow up already knowing how to manage their finances and would be ahead of most people in past generations. **James Bacon, October 2019**
- **Peoples Advantage Federal Credit Union** – Primary Focus - Financial Literacy, stationed on Perry Street, Petersburg.



# **POLICY LEGISLATION AND** **REASEARCH EVALUATION**

# **POLICY AND EVALUATION**

- **Establishing a Humanity Bill**: Includes addressing evictions. Have a case manager accompany the individual in court proceedings.
- **Cost of Living/Living Wage**: Continue efforts to evaluate results to most effectively meet individuals' needs.
- **From Poverty to Self-Sufficiency**: Review policies (relating to losing benefits) that address the negative impact of moving toward Self-Sufficiency (being able to survive by meeting your essential needs including finance, food clothing, housing, and medical).
- **Evaluation**: Include measurable results/findings to adequately address issues.

# **RECOMMENDATION**

We recommend the City of Petersburg provide funding to support the continued efforts of the Anti-Poverty Commission in its ultimate goal of reducing the poverty rate substantially.

Poverty has a resounding negative impact on the City.

**We must reflect accountable actions to reduce poverty in our city!!!**



# **Anti-Poverty Commission**

THANK YOU FOR YOUR SUPPORT AND WE  
CONTINUE TO ENCOURAGE YOUR EFFORTS IN MEETING THE  
CHALLENGES TO REDUCE POVERTY IN THE  
CITY OF PETERSBURG.

**THE END**



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** October 4, 2022

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** March Altman, Jr., City Manager

**FROM:** Brian Moore

**RE:** **A presentation from Local Initiative Support Corporation (LISC) Virginia and Longwood Small Business Development Center (SBDC) (Page 283)**

---

**PURPOSE:** To provide the City Council with an overview of the Tri-Cities Small Business Capital Access Program provided by Local Initiative Support Corporation (LISC) Virginia and Longwood Small Business Development Center (SBDC)

**REASON:** To make the citizens of the City of Petersburg aware of this program that is being offered by Local Initiative Support Corporation (LISC) Virginia and Longwood Small Business Development Center (SBDC)

**RECOMMENDATION:** The Department of Economic Development recommends the City Council and staff promotes this program to our local businesses to assist with growth and expansion of businesses and the city's economy

**BACKGROUND:** LISC Virginia and the Longwood Small Business Development Center will present information about the Tri-Cities Small Business Capital Access Program. This is a new program available to Petersburg businesses that provides loan financing and coaching to small businesses looking to expand or create jobs. Businesses can receive 0% loans from \$10,000 - \$50,000 and get free coaching on their business plan, financials, and more

**COST TO CITY:** N/A

**BUDGETED ITEM:** N/A

**REVENUE TO CITY:** N/A

**CITY COUNCIL HEARING DATE:** 10/4/2022

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:** N/A

**AFFECTED AGENCIES:** Economic Development

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:** N/A

**REQUIRED CHANGES TO WORK PROGRAMS: N/A**

**ATTACHMENTS:**

1. Tri-Cities Flyer





# Tri-Cities Small Business Capital Access Program

The Tri-Cities Small Business Capital Access Program provides 0% loan funding and coaching to small businesses in Petersburg, Hopewell and Colonial Heights to unlock their potential to expand, create jobs, and fuel wealth creation.

LISC VA offers 0% financing to help grow local businesses in the Tri-Cities region. All repayments will be recycled back into the Tri-Cities small business community to create a sustainable investment pool.

Longwood Small Business Development Center (SBDC) provides businesses with free one-on-one coaching in support of their loan request and usage of funds.

This program is funded by the Virginia Department of Housing and Community Development (DHCD) through their Virginia Small Business Resiliency Fund program.

## Loan Terms:

**Loan amount:** \$10,000 - \$50,000

**Interest:** 0% interest

**Fees:** No fees

**Deferment period:** No payments for first 6 months

**Loan term:** 3 years

**Amortization:** 5 years

**Collateral:** No collateral required

## One-on-One Coaching:

The SBDC offers complimentary one-on-one coaching to businesses to develop or update their business plans, prepare loan application materials, and access contractors or specialists to implement their project plans.



## Business Eligibility:

**Geography:** Businesses located in the City of Petersburg, Hopewell or Colonial Heights

**Longevity:** Businesses with at least 2 complete years of operating history

**Employees:** Business that have 2 or more employees (sole proprietors and non-profits are ineligible)

**Profitability:** Businesses with a gross revenue between \$50,000 - \$1,000,000 (based on 2019, 2020, or 2021 tax returns)

**Credit Score:** There is no minimum credit score - we will not run a credit report



## Required Financial Documentation:

- ☐ **Profit + Loss Statements:** 2019, 2020, 2021, and interim 2022
- ☐ **Balance Sheets:** 2019, 2020, 2021, and interim 2022
- ☐ **Business Tax Returns:** 2019, 2020, 2021
- ☐ **Growth Projections:** 2023 and 2024
- ☐ **Current Business Debt Schedule**

## Required Business Documentation:

- ☐ **Current Business Plan**
- ☐ **Active Local Business License**
- ☐ **VSCC Good Standing Certificate**
- ☐ **Articles of Incorporation**

## Loan Usages:

- Hiring new staff
- Equipment, supplies, and inventory
- Marketing and consultants
- Website development and improvements
- Refinancing high-interest loans and debt
- Leasehold improvements and renovations
- Certifications and trainings
- Bridge financing for contracts

**\* Special consideration will be made for funding requests that help businesses create new jobs.**

### Contact:

**LISC:** George Piazza, Program Officer  
(e) [gpiazza@lisc.org](mailto:gpiazza@lisc.org)

**SBDC:** Vandy Jones, Eastern Region Director  
(e) [jonesvv@longwood.edu](mailto:jonesvv@longwood.edu)

Visit [www.lisc.tfaforms.net/613](http://www.lisc.tfaforms.net/613)  
to start your request for financing

**Deadline:**  
**Rolling (until funds are expended)**