



City of Petersburg Virginia

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October 17, 2023 - Regular City Council Meeting

October 17, 2023
Petersburg Public Library
201 West Washington Street
Petersburg, VA 23803
5:00 PM

City Council

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

City Administration

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

-
1. **Roll Call**
 2. **Prayer**
 3. **Pledge of Allegiance**
 4. **Determination of the Presence of a Quorum**
 5. **Proclamations/Recognitions/Presentation of Ceremonial Proclamations**
 - a. Presentation of proclamation designating the month of October 2023 as Breast Cancer Awareness Month (**Page 3**)
 6. **Responses to Previous Public Information Posted**
 7. **Approval of Consent Agenda (to include minutes of previous meetings):**
 - a. Minutes: (**Page 4**)
 - October 3, 2023 - Closed Session
 - October 3, 2023 - Work Session
 - b. Consideration of ordinance appropriation for 508516-LE ARPA - Law Enforcement Equipment Grant - 1st Reading (**Page 15**)
 8. **Official Public Hearings**
 - a. A public hearing for the consideration of an ordinance authorizing the City Manager to execute a Pilot Operating Agreement with Bird Rides, Inc. to establish a Stand-up Electric Scooter sharing system within the City of Petersburg - 2nd Reading (**Page 17**)
 - b. A public hearing and consideration of an ordinance recommending approval of a petition for a special use permit at the property located at 2744 South Crater Road for a hand car wash and detailing use in B-2, General Commercial, District. (**Page 47**)
 - c. Consideration of a public hearing on the Master Development Agreement between City of Petersburg and the Virginia Development Consortium for "Sycamore Grove" and "Adams North" Projects. (**Page 82**)
 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 removed from consent agenda**

10. Business or reports from the Mayor or other Members of City Council

11. Items removed from Consent Agenda

12. Finance and Budget Report

13. Unfinished Business

- a. Consideration of an Ordinance approving a Petition to rezone the property located at 3287 County Drive from B-2 General Commercial Zoning District to M-1 Light Industrial Zoning District. **(Page 99)**

14. New Business

- a. Consideration of a resolution to apply for \$975,000 of Industrial Revitalization Funds for The Hotel Petersburg Project for the rehabilitation of 20 Tabb Street. - 2nd Reading **(Page 152)**
- b. Consideration of appointment/s to the Community Development Block Grant Advisory Board. **(Page 154)**

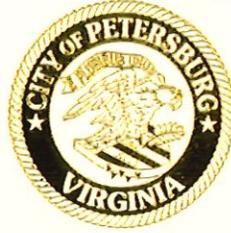
15. City Manager's Report

- a. A Communications / Presentation Request for Independence Hydrogen to introduce their company before City Council

16. Business or reports from the Clerk

17. Business or reports from the City Attorney

18. Adjournment



Proclamation

WHEREAS, October is National Breast Cancer Awareness Month; and

WHEREAS, October 20, 2023, is National Mammography Day; and

WHEREAS, about 1 in 8 U.S. women (about 12%) will develop invasive breast cancer over the course of her lifetime; and

WHEREAS, in 2023, an estimated 297,790 new cases of invasive breast cancer are expected to be diagnosed in women in the U.S., along with 55,720 new cases of non-invasive (in situ) breast cancer; and

WHEREAS, about 2,800 new cases of invasive breast cancer are expected to be diagnosed in men in 2023. A man's lifetime risk of breast cancer is about 1 in 833; and

WHEREAS, on an average, every 2 minutes a woman is diagnosed with breast cancer in the United States; and

WHEREAS, according to the Centers for Disease and Prevention (CDC), breast cancer is the most common cancer in American women, except for skin cancers; and

WHEREAS, Breast Cancer Awareness month is an opportunity to unite all citizens in our community to prevent breast cancer deaths through increased education and regular screening; and

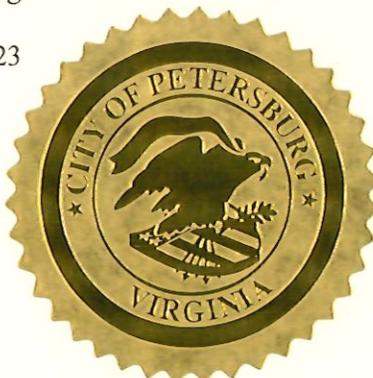
WHEREAS, this October, as we display pink ribbons, or wear pink clothing to raise awareness, we recognize breast cancer survivors, those currently battling the disease, friends, and families of a diagnosed patient, and applaud the efforts of our medical professionals and researchers working on finding a cure; and

NOW, THEREFORE, I, Samuel Parham, by virtue of the authority vested in me as Mayor of the City of Petersburg, do hereby proclaim

October 2023
as
"NATIONAL BREAST CANCER AWARENESS MONTH"
and
October 20, 2023
As
"NATIONAL MAMMOGRAPHY DAY"

in the City of Petersburg.

Dated: October 17, 2023



Mayor

ATTEST:

Clerk of Council



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: October 17, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH:

FROM:

RE: Minutes: (Page 4)
 -October 3, 2023 - Closed Session
 -October 3, 2023 - Work Session

PURPOSE:

REASON:

RECOMMENDATION:

BACKGROUND:

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. October 3, 2023 Closed Session Meeting Minutes
2. October 3, 2023 - Work Session city council minutes

The Closed Session Meeting of the Petersburg City Council was held on Tuesday, October 3, 2023, at the Petersburg Public Library. Mayor Parham called the Closed Session Meeting to order at 3:07 p.m.

1. ROLL CALL:

Present:

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

Absent:

Council Member Marlow Jones
Council Member Arnold Westbrook, Jr.

Present from City Administration:

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

2. CLOSED SESSION:

- a. The purpose of this meeting is to convene in the closed session pursuant to §2.2-3711(A)(3) of the Code of Virginia for the purpose of discussion or consideration of the acquisition of real property for a public purpose and 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 and disposition of real property and (7) and (8) of the Code of Virginia for the purpose of receiving legal advice and status update from the City Attorney and legal consultation regarding the subject of specific legal matters requiring the provision of legal advice by the city attorney, specifically including but not limited to Petersburg Circuit Court Case CL22000681-00; City Code Section 2-5; Code of Virginia 15.2-958.3; and Chapter 6 and 10 of Title 36 of the Code of Virginia and other matters requiring the legal advice of the City Attorney.

Council Member Myers made a motion that the City Council go into closed session for the purposes noted. Vice Mayor Hill seconded the motion.

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

The City Council entered closed session at 3:08 p.m.

CERTIFICATION:

Mayor Parham stated, "The Mayor would entertain a motion to conclude the closed session called today 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 meeting was convened, heard, discussed, or considered. If any member believes that there was a departure from the foregoing requirements should state prior to the vote indicating the substance for departure in which he believes has occurred. This requires a roll call vote."

Vice Mayor Hill made a motion to return the City Council to open session and certify the purposes of the closed session. Council Member Myers 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, Jones, Smith-Lee, Myers, Hill, and Parham; Absent: Westbrook

23-R-60 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 6:02pm

Mayor Parham stated, “At this time I will entertain a motion to add to tonight’s work session under the consent agenda an ordinance to authorize the city manager to execute the master development agreement between the city and Virginia Development Consortium for the conveyance of real property in furtherance of the “Adams Project” and “Sycamore Grove” Projects.”

Council Member Myers made a motion to add to tonight’s work session under the consent agenda an ordinance to authorize the city manager to execute the master development agreement between the city and Virginia Development Consortium for the conveyance of real property in furtherance of the “Adams Project” and “Sycamore Grove” Projects. Vice Mayor Hill seconded the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, , Hill, and Parham; Absent: Westbrook

3. DISCUSSION/CONSIDERATION:

- a. Consideration of an adoption of the City of Petersburg 2023 Emergency Operation Plan – 2nd Reading

BACKGROUND: The City Council of Petersburg, Virginia recognizes the need to prepare for, respond to, and recover from natural and human-made disasters; and has a responsibility to provide for the safety and well-being of its citizens and visitors.

RECOMMENDATION: Adopt the resolution. The Code of Virginia §44-146.19.E. requires the City Council to formally review and adopt the City of Petersburg Emergency Operations Plan, as revised, in accordance to the Code of Virginia §44-146.19.E.

Vice Mayor Hill made a motion to approve the City of Petersburg 2023 Emergency Operation Plan by resolution. Council Member Myers seconded the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, Hill, and Parham; Absent: Westbrook

23-R-61 A RESOLUTION TO FORMALLY ADOPT THE CITY OF PETERSBURG, VIRGINIA EMERGENCY OPERATIONS PLAN.

3. ADJOURNMENT:

The City Council adjourned at 6:04 p.m.

Clerk of City Council

APPROVED:

Mayor

DRAFT

The work session meeting of the Petersburg City Council was held on Tuesday, October 3, 2023, at the Petersburg Public Library. Mayor Parham called the meeting to order at 6:04 p.m.

1. ROLL CALL:

Present:

Council Member Charles H. Cuthbert, Jr.
Council Member Marlow Jones
Council Member Annette Smith-Lee
Council Member W. Howard Myers
Vice Mayor Darrin Hill
Mayor Samuel Parham

Absent: Council Member Arnold Westbrook, Jr.

Present from City Council Administration:

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

2. PRAYER:

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

Vice Mayor Hill led the council meeting in prayer.

3. PLEDGE OF ALLEGIANCE:

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

4. DETERMINATION OF THE PRESENCE OF A QUORUM:

A quorum is present. Council Member Westbrook was absent from the meeting.

5. PUBLIC COMMENTS:

William Jones, 1504 Duke Drive, stated, "My reason for coming today is that I am trying to find out the reason we cannot build a new school in the City of Petersburg. I have a book here from 1969, Peabody. During that time, it was considered a Black school. They had an aerospace program and a golf team. This is long before Tiger Woods. Every kid in this city that goes to school is going to the same school that either their grandparents or great grandparents attended. There is no excuse. I understand that we were talking about a casino to help fund this, but Prince George, Dinwiddie, and Chesterfield have all found the money to build new schools without a casino. I have been told that we have council members whose children do not attend the public school system. I am not here to question that. But I must believe that the reason there has been no urgency in getting new schools built is because they have no skin in the game. If their children are not attending the school, then it does not affect them. But for the rest of us, there is something that you know since you hired the administration to put these people in place that we need to know. If it is not good enough for your kids, then why is it good enough for our kids? Now, this is something that needs to be addressed and addressed soon. This is inexcusable. We keep getting poor scores. I am a product of the Petersburg school system. I have friends and you can learn but you have to give yourself something to learn from. It is inexcusable at any day and time to sit there and expect our kids to go to schools that do not have proper air conditioning, ventilation, heating, or none of these things. I am 68 years old. These are schools that were old when I went to school there. So, all I am asking of you is this. Get a sense of urgency, please, to find some

way to find out from the other jurisdictions to find out where they found their funds in order to do it. We have two interstate highways passing through this city and a major military post. There is no excuse for not being able to raise revenue to get these things done. And it is surely not fair to our children. Our kids deserve better, and the parents deserve better. This entire community deserves better. And with that I thank you for your time.”

Kelly Parker, 829 Commerce Street (Tri-Cities Habitat), stated “I am here to request a situation that has come about. We are the lender for several properties here in the City of Petersburg. And unfortunately, we do not receive the tax bills from billing and collections. So, what has happened in recent times is that a property that was not being paid for by taxes has gone now to the tax collector. And we are prepared to pay the taxes on it, but I have several emails where we have requested that the city do allow us to have the bills as every lender receives them. Anyone that has an escrow on the property, their taxes are paid by the lender because the bill goes directly to the lender and then the taxes are paid. I have emails dating back to 2020, requesting this action. I spoke with Ms. Gholson in the Commission of Revenue office back in July 2022. And she gave me the name of Mr. Ward. I took a list of properties to Mr. Ward, and I was assured that we would start receiving tax bills. But to date we still have not. And now, one of our properties that is a family partner of ours has gone to tax sale. We are prepared to go ahead and pay them, but we just want the city to start making use of the bill so that we can make sure that the taxes are paid as every other lender in this country receives. I have also requested that because we have been trying to get these bills, the payments go directly to VHDA, so we do not see the bills until there is a problem. So, I have requested that the late fees and penalties be waived, and it gets pulled from Jason Dunn’s Office so that we can go ahead and reinstate the taxes and get them paid and moved forward. So, that is my request. Thank you.”

Bobby Beverly, 3412 Watson Street, stated, “There is an ongoing effort by many to destroy African Studies. The Governor of both Florida and Virginia have both displayed a total disguise for the planets first inhabitants. Recently, it was brought to my attention about plans concerning the hallucinations of the history of Petersburg and loosely presented to the audience for their comprehension. Unfortunately, there are only a few locals who can professionally present the narrative of Petersburg to the masses with the exception of Mr. Dabney and Ms. Alexis. Both are from Petersburg National Battlefield. I have been told of another whose name I do not know. This city has a rich history. Dr. Carter G. Woodson so eloquently spoke of this during the 1920s. Petersburg van say that the two oldest churches are located here. The first president of Liberia was from here also. And lastly, the last major campaign of their civil war incurred likewise in the city in slaved African’s built. Until the gatekeeper’s are removed and the history of Petersburg in this nation of African people will continue to be destroyed by city council member’s, HBCU president’s, school boards and their handpicked superintendent’s posing as African people. Thank you very much.”

Barbara Rudolph, 1675 Mt. Vernon Street, stated, “I want to revisit the Rules of Council, Rule 3, Ordinances and Amendments, Section 4. Public Hearings. It says, ‘The preceding officer should provide an opportunity for the public to be heard on each ordinance or resolution considered by the council.’ For other than the scheduled public hearings there is another quotation. It says, ‘Public comment will be heard after a motion for adoption of the ordinance or resolution has been accepted by the preceding officer and prior to discussion by council.’ I am mentioning this because it is a long-standing rule of the council. But it is routinely ignored or forgotten. I am not interested in why, but I would like to remind everyone that it is a rule, and it is many times that ordinance and resolutions come up and they are not on the schedule of public hearings, and it just rolls right through. One of you moves to approve it and then there is a second and a roll call vote and there is never a pause to ask if there are any public comments. And according to your rules there is supposed to be. In fact, we just had an example a few minutes ago with the Emergency Operation Plan. It was a resolution, and it was moved and seconded and then voted on. And there was no request to let the public speak. I do not want to break any council rules myself; I mean there are times that this has happened, and I was tempted to say something or get up and speak but I think that might be rude. So, in the spirit of the season, this is what I came up with. You all may not recognize this, but you see it on TV on Sunday. So, I might be bringing this to the meeting and if we gloss over that public comment that is supposed to happen and if one of you sees me through this in the air this is the reason for it. I do not want to yell or make a fuss. But I do think sometimes that

we have gotten out of the habit of doing that. And I think we can get back to that habit. There are times when I and other citizens would like the opportunity to comment. Thank you.”

There was discussion among City Council Members.

6. APPROVAL OF CONSENT AGENDA (TO INCLUDE MINUTES OF PREVIOUS MEETING/S):

- a. Minutes:
 - September 19, 2023 – Closed Session Minutes
 - September 19, 2023 – Regular City Council Meeting Minutes
- b. Request to schedule a public hearing for the consideration of an ordinance authorizing the City Manager to execute a Pilot Operating Agreement with Bird Rides, Inc. to establish a Stand-Up Electric Scooter sharing system within the City of Petersburg – 1st Reading.
- c. A request to schedule a public hearing and consideration of an ordinance recommending approval of a petition for a Special Use Permit at the property located at 2744 South Crater Road for a hand car wash and detailing use in B-2, General Commercial District – 1st Reading.
- d. A request to schedule a public hearing and consideration of an ordinance to authorize the city manager to execute the master development agreement between the city and Virginia Development Consortium for the conveyance of real property in furtherance of the “Adams North” and “Sycamore Grove” Projects.

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

7. SPECIAL REPORTS:

- a. Presentation for Petersburg Police Chief.

Dana Sharad, Executive Director of Virginia Association of Chief of Police, presented Chief Christian with a certificate from the Virginia Association of Chief of Police.

Chief Christian stated that he would like to thank council members, the city manager, and the community for their ongoing support. He stated that he would like to mostly think the men and women of the Petersburg Bureau of Police.

- b. Presentation on Bird Scooters from Jeremy Lynch, Senior Government Partnerships Manager.

Jeremy Lynch presented a PowerPoint presentation on Bird Scooters.

Key Notes:

- Bird is a dockless electric micro-mobility vehicle sharing company that operates in over 350 cities and seventy universities.
- The mission is to make cities and campuses more livable and bring communities together by providing affordable, environmentally-friendly transportation.
- The policies help regulate the usage and access of our vehicles to ensure both riders and members of the community are able to move throughout the city safely and freely.
- Scooters will only be active within the city’s boundary.
- Operating zones can be tailored based on city design.

- Vehicles will become inoperable should they leave the zone.
- All vehicles are tracked with GPS.
- When riders enter a designated geo-zone, vehicles follow set rules.
- Vehicles will slow down or stop, and riders are notified of a vehicle sound and an in-app notification.

There were comments and discussion from the city council members and Mr. Lynch.

c. Presentation from Crater Planning District Commission.

Jay Ellington, Executive Director of Crater Planning District Commission, gave a PowerPoint presentation.

Key Notes:

- Planning District Commissions (PDCs) are associations of local governments, enable by Chapter 42 of the Code of Virginia – The Regional Cooperation Act (1968).
- The PDC are intended to foster intergovernmental cooperation to address regional issues, coordinate regional responses to issues at a greater scale, and develop a regional strategic plan.
- They are funded by state and federal funding as determined by appropriations committee, dues from member localities, and grants.
- Some services provided by PDC are grant management & administration, feasibility & location studies, emergency preparedness planning, mapping & information services for localities with limited resources, MPO staffing and regional coordination & convening.
- The Crater region covers 2500sq mi in South-Central Virginia, encompassing the Tri-Cities area and straddling I-95 to the North Carolina border.
- The Fort serves primarily as a training center for Army troops in its capacity as headquarters of the United States Army Combined Army Support Command and Sustainment Center of Excellence.
- The Crater Region has also been designated as an Economic Development District by the U.S. Economic Development Agency.
- EDDs are responsible for the regional economic development planning process.

Mayor Parham and Council Member Myers thanked Mr. Ellington for the presentation.

8. MONTHLY REPORTS:

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

9. FINANCE AND BUDGET REPORT:

a. Presentation and update from Davenport on Bond Rating

Roland Kooch, Davenport, gave an update of the bond rates.

Key notes:

- As a part of the General Fund Financial Review, Davenport analyzed the effect of the city's upcoming major capital projects on the General Fund. These projects included a mandated Courthouse Project and a school project.
- The school Project is still early in development, the Courthouse Project is expected to begin the design process in 2023, with construction beginning in the second half of CY 2024.

- As a part of the process of issuing the 2023 Bonds, the city met with Moody's Investors Services, S & P Global Ratings, and Fitch Ratings to provide an update on the city's economic and financial position.
- Prior to the 2023 Bonds, Moody's last updated its assessment of the City in April 2023, upgrading the City's rating from A2 to A1.
- In August 2023, S&P affirmed the City's A+ rating and revised the city's outlook to positive, noting the following factors in their decision of improving taxable and assessed values, solid record of adopting and adhering to policies and practices.
- The 2023 Bonds successfully priced on September 12th and closed on September 26th.
- Additionally, the city was able to take advantage of economies of scale and incorporate financing for a Pumper Truck. The city was able to obtain funding at an interest rate of 3.24%, compared to the 5.34% interest rate offered by the equipment provider.
- In addition, Davenport will work with City staff to develop a plan of finance for the previously discussed school project as the cities and schools' plans progress.

There were comments and discussion from the council members, staff, and Mr. Kooch.

10. CAPITAL PROJECTS UPDATE:

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

11. UTILITIES:

Mr. Altman stated, "I just want to thank our folks in public works for all their work over the weekend. There was a great deal of emphasis placed on Sycamore Street with the water leak. There was also one that occurred on Saturday night that we were able to address. So, thank you to all of our staff in public works and the contractors that helped us to get all that done. We appreciate that very greatly. I just wanted to give them a shoutout and thank them for all the hard work."

12. STREETS:

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

13. FACILITIES:

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

14. ECONOMIC DEVELOPMENT:

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

15. CITY MANAGER'S AGENDA:

- a. Presentation and Update from JMT on Poor Creek Project.

Michael P. Luning, Vice President of JMT, gave a briefing.

Key Notes:

- DEQ requested confirmation on existing and proposed force main sizes which was emailed on 8/4/23. JMT submitted a memo describing the size increase needed due to existing capacity issues on 8/24/23.

- Ninety-nine percent complete of the asset management plan to meet with the city to review plan.
- Joanne Williams reported just under \$1 million awarded if budget approved.
- EPA grant application submitted on 8/11/23, submitted revised form on 9/1/23.
- Plan is drafted and awaiting final design plans to submit to the Battlefield approval/coordination.
- VMRC emailed stating that they do not have jurisdiction. USACE is processing their “No Permit Required” Letter.
- Met and briefed EDA on project on 9/28/2023.
- Reimbursements from DEQ are being processed.

There was discussion and comments from the council members and staff.

Mr. Altman stated, “Mr. Mayor, I just have a few quick items. Number one, I want to remind everyone that tomorrow night, here in this room there will be a Downtown Plan Community Input Session at 5pm. We encourage everyone to come out. And then I would like to publicly thank all of those that assisted us with our incident on Halifax Street last Monday. So, thank you Petersburg Fire Department and all the personnel and the police department and all of their assistance and the public schools. We disrupted their day for a little bit and utilized their area for Life-EVAC Helicopter for a landing pad. And I would also like to thank Southside Volunteer Rescue Squad, Colonial Heights, Prince George, Gregg-Adams, Hopewell, Henrico, and Chesterfield and all the fire departments that provided support to help with the tactical rescue. Dominion Power and Colombia, they had to come out and make sure that utilities were cut to the building when it happened. And last and not least I want to thank Support 6 for coming out and providing needed relief and supplies to all that were working on the scene that day. So, I just want to provide a public thank you for their assistance in that situation.”

16. BUSINESS OR REPORTS FROM THE CLERK:

Mrs. Lucas stated that the November 7th meeting falls on election day and that the city council would need to move the meeting pursuant to the Rules of Council. She stated that the Rules of Council say that the meeting would have to be moved to the following Tuesday. She stated that she would like to suggest that the council suspend the Rules of Council and move the meeting to the next day, which is November 8th.

Vice Mayor Hill made a motion to suspend the Rules of Council for the purpose of rescheduling the November 7th meeting. Council Member Smith-Lee seconded the motion. The motion was approved on voice vote. On voice vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, Hill, and Parham; Absent: Westbrook

Vice Mayor Hill made a motion to move November 7th, 2023, meeting to November 8th, 2023. Council Member Myers seconded the motion. The motion was approved on voice vote. On voice vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, Hill, and Parham; Absent: Westbrook

17. BUSINESS OR REPORTS FROM THE CITY ATTORNEY:

*No items for this portion of the agenda.

Mayor Parham stated, “We ask everyone to continue to pray for the city attorney. He had a little accident, but he is recuperating at home. So, Tony, we will see you at the next one.”

18. ADJOURNMENT:

The City Council adjourned at 7:28 p.m.

Clerk of City Council

APPROVED:

Mayor

DRAFT



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: October 17, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Dustin Sloan

RE: **Consideration of ordinance appropriation for 508516-LE ARPA - Law Enforcement Equipment Grant - 1st Reading (Page 15)**

PURPOSE: This is needed to equip Officer of the Bureau with additional weaponry should additional resources be needed for public safety. (Patrol Rifles and safety mounts for vehicles.)

REASON: At the current time, the Bureau has limited patrol rifles.

RECOMMENDATION: It is recommended that the agency purchase additional rifles and safety mounts to secure them within vehicles.

BACKGROUND: See the attached ordinance.

COST TO CITY: Reimbursable grant funding

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 10/17/2023

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. 20231012093405009

**AN ORDINANCE, AS AMENDED, SAID ORDINANCE
MAKING APPROPRIATIONS FOR THE FISCAL YEAR
COMMENCING JULY 1, 2023, AND ENDING JUNE 30, 2024
FOR THE Grant Funds.**

BE IT ORDAINED by the City Council of the City of Petersburg, Virginia:

I. That appropriations for the fiscal year commencing July 1, 2023, in the Capital Projects Fund for the following resources and revenues of the city, for the fiscal year ending June 30, 2024.

Previously adopted Revenue: **\$0.00**

ADD: 508516-LE ARPA – Law Enforcement Equipment Grant

Total Revenues **(\$43,000.00)**

II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2023 and ending June 30, 2024, the following sums for the purposes mentioned:

Previously adopted Expenditures: **\$0.00**

ADD: 508516- LE ARPA – Law Enforcement Equipment Grant

Total Expenses: **(\$43,000.000)**



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: October 17, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Naomi Siodmok

RE: **A public hearing for the consideration of an ordinance authorizing the City Manager to execute a Pilot Operating Agreement with Bird Rides, Inc. to establish a Stand-up Electric Scooter sharing system within the City of Petersburg - 2nd Reading (Page 17)**

PURPOSE: A presentation to share information and answer questions about Bird scooters in Petersburg prior to considering an ordinance authorizing the City Manager to execute a Pilot Operating Agreement with Bird Rides, Inc.

REASON: To comply with policies, procedures and laws regarding the adoption of ordinances.

RECOMMENDATION: It is recommended that the City Council holds a Public Hearing and consideration of an ordinance authorizing the City Manager to execute a Pilot Operating Agreement with Bird Rides, Inc. to establish a Stand-up Electric Scooter sharing system within the City of Petersburg.

BACKGROUND: The City of Petersburg received a proposal from Bird Rides, Inc. to operate a Stand-up Electric Scooter sharing system within the City of Petersburg. Bird Rides, Inc. was founded in 2017 and operates in 25 countries and 400 cities. The system works through an online application whereby users sign a user agreement to verify their age is 18 or older, add payments, and complete educational tutorials prior to each ride. The system is dockless and riders have freedom to choose drop off and pick-up locations. Operators locate and retrieve scooters throughout the day. The cost is \$1.00 per minute, with an average cost of \$6.00. Discounts are offered to veterans, senior citizens, healthcare workers, and students with Pell grants.

The purpose is to provide a low-cost transportation alternative, with focus on the first and last mile between a departure location and a destination. Operating zones can be established to limit use within specific target areas. The agreement between the City and Bird includes liability, insurance and indemnification clauses. Each rider must sign an agreement that includes liability and indemnification clauses as well.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 10/17/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: Public Works, Economic Development, Planning and Community Development

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. 0606_2023OrdinanceREBird
2. 0606_2023Bird_Operating_Agreement_Petersburg_VA
3. Bird 2023_Petersburg, VA

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A PILOT OPERATING AGREEMENT WITH BIRD RIDES, INC. TO ESTABLISH A STAND-UP ELECTRIC SCOOTER SHARING SYSTEM WITHIN THE CITY OF PETERSBURG.

WHEREAS, the City of Petersburg received a proposal from Bird Rides, Inc. to operate a Stand-up Electric Scooter sharing system within the City of Petersburg; and

WHEREAS, Bird Rides, Inc. was founded in 2017 and operates in 25 Countries and 400 Cities; and

WHEREAS, the system works through an online application whereby users sign a user agreement verify their age is 18 or older, add payments, complete educational tutorials prior to each ride; and

WHEREAS, the system is dockless and riders have freedom to choose drop off and pick-up locations and Operators locate and retrieve scooters throughout the day; and

WHEREAS, the cost is \$1.00 per minute, with an average cost of \$6.00; and

WHEREAS, Discounts are offered to veterans, senior citizens, healthcare workers, and students with Pell grants; and

WHEREAS, the purpose is to provide a low-cost transportation alternative, with focus on the first and last mile between a departure location and a destination; and

WHEREAS, Operating zones can be established to limit use within specific target areas; and

WHEREAS, the agreement between the City and Bird includes, liability, insurance and indemnification clauses; and

WHEREAS, each rider must sign an agreement that includes liability and indemnification clauses as well; and

WHEREAS, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, this is a public hearing and consideration of an ordinance authorizing the City Manager to execute a Pilot Operating Agreement between the City of Petersburg and Bird Rides, Inc. to establish a stand-up electric scooter sharing system within the City of Petersburg, 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 authorizes the City Manager to execute a Pilot Operating Agreement between the City of Petersburg and Bird Rides, Inc. to establish a stand-up electric scooter sharing system within the City of Petersburg.

PILOT OPERATING AGREEMENT

This Pilot Operating Agreement (the “Agreement”) is entered into by and between Bird Rides, Inc., located at 8605 Santa Monica Blvd. #20388 West Hollywood, CA 90069 (“Company”), and The City of Petersburg located at 135 N Union Street, Petersburg, VA 23803 (the “City”) as of _____, 2023.

1. Statement and Purpose

The purpose of this Agreement is to establish interim rules and regulations governing the pilot operation of a Stand-up Electric Scooter sharing system within the City while this Agreement is in effect (the “Pilot”), and to ensure that the Pilot is consistent with the safety and well-being of bicyclists, pedestrians, and other users of the public rights-of-way.

2. Scope

This Agreement and its terms apply to any proposed deployment of Stand-up Electric Scooter sharing systems within City’s jurisdictional boundaries. This Agreement and the Pilot shall remain in effect for a period of twelve months and shall automatically renew for successive twelve month periods unless either party provides written notice to the other of its intention not to renew at least ninety (90) days prior to the end of the then-current term.

3. Procedures

~~While this Agreement is in effect, Company shall be the sole provider of Stand-up Electric Scooter sharing systems within City’s jurisdictional boundaries for the Pilot, contingent upon compliance with the terms of this Agreement.~~ Upon effectiveness of this Agreement, Company shall provide an affidavit of compliance with the terms of this Agreement and provide appropriate indemnification.

4. Operating Regulations

- a. Company, and/or its service providers, agents or assigns, shall be responsible for operating a Stand-up Electric Scooter program in the City with the below requirements.
- b. “Stand-up Electric Scooter” shall mean a device weighing less than 150 pounds, that (i) has handlebars and an electric motor, (ii) is solely powered by the electric motor and/or human power, and (iii) has a maximum speed of no more than 20 mph on a paved level surface when powered solely by the electric motor.
- c. Except as otherwise provided herein, City shall regulate the operation of Stand-up Electric Scooters in a manner no more restrictive than City’s regulation of bicycles.
- d. Stand-up Electric Scooters are to be ridden on streets, and where available, in bike lanes and bike paths. Stand-up Electric Scooters are to stay to the right of street lanes and to offer the right of

way to bicycles in bike lanes and on bike paths. Users of Stand-up Electric Scooters shall be 18 or older. Users of Stand-up Electric Scooters who violate these provisions may be fined by City consistent with fines for cyclists.

- e. Company shall provide easily visible contact information, including toll-free phone number and/or e-mail address on each Stand-up Electric Scooter for members of the public to make relocation requests or to report other issues with devices.
- f. Hours of operation when Company's Stand-up Electric Scooters will be made available to rent from 5 a.m. to midnight (local time).

5. Parking

- a. Users of Stand-up Electric Scooters shall park devices upright in the furniture zone of the sidewalk, beside a bicycle rack or in another area specifically designated for bicycle parking, or on the street next to an unmarked curb.
- b. Users shall not park Stand-up Electric Scooters in such a manner as to block the pedestrian clear zone area of the sidewalk; any fire hydrant, call box, or other emergency facility; bus bench; or utility pole or box.
- c. Users shall not park Stand-up Electric Scooters in such a manner as to impede or interfere with the reasonable use of any commercial window display or access to or from any building.
- d. Users shall not park Stand-up Electric Scooters in such a manner as to impede or interfere with the reasonable use of any bicycle rack or news rack.
- e. Users may park Stand-up Electric Scooters on blocks without sidewalks only if the travel lane(s) and 6-foot pedestrian clear zone are not impeded.
- f. Users shall not park Stand-up Electric Scooters in the landscape/furniture zone directly adjacent to or within the following areas, such that access is impeded:
 - i. Transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging zones, except at existing bicycle racks;
 - ii. Loading zones;
 - iii. Disabled parking zone;
 - iv. Street furniture that requires pedestrian access (e.g., benches, parking pay stations, bus shelters, transit information signs, etc.);
 - v. Curb ramps;
 - vi. Entryways; and
 - vii. Driveways.
- g. Users of Stand-up Electric Scooters who violate these provisions may be fined by City consistent with fines for cyclists.
- h. Company may stage its Stand-up Electric Scooters in permitted parking areas as described in this section. To the extent Company desires to stage Stand-up Electric Scooters in areas other than the public right-of-way, Company must first obtain the right to do so from the appropriate City department, property owner, or public agency.

6. Operations

- a. Company shall maintain 24-hour customer service for customers to report safety concerns, complaints, or to ask questions. Company shall maintain a multilingual website, call center, and/or mobile app customer interface that is available twenty-four hours a day, seven days a week. The aforementioned shall be compliant with the Americans with Disabilities Act.
- b. In the event a safety or maintenance issue is reported for a specific device, that Stand-up Electric Scooter shall be made unavailable to users and shall be removed within the timeframes provided herein. Any inoperable or unsafe device shall be repaired before it is put back into service.
- c. Company shall respond to reports of incorrectly parked Stand-up Electric Scooters, Stand-up Electric Scooters continuously parked in one location for more than 36 hours, or unsafe/inoperable Stand-up Electric Scooters, by relocating, re-parking, or removing the Stand-up Electric Scooters, as appropriate, within 24 hours of receiving notice that must include the location of the Stand-up Electric Scooter.
- d. Company shall provide notice to all users that:
 - i. Stand-up Electric Scooters are to be ridden on streets, and where available, in bike lanes and bike paths;
 - ii. Stand-up Electric Scooters are to stay to the right of street lanes and to offer the right of way to bicycles on bike lanes and bike paths;
 - iii. Helmets are encouraged for all users;
 - iv. Parking must be done in the designated areas; and
 - v. Riding responsibly is encouraged.
- e. Stand-up Electric Scooter riders are required to take a photo whenever they park their scooter at the end of a ride.
- f. Company shall provide education to Stand-up Electric Scooter riders on the City's existing rules and regulations, safe and courteous riding, and proper parking.

7. Data Sharing

City may require Company to provide anonymized fleet and ride activity data for all trips starting or ending within the jurisdiction of City on any vehicle of Company or of any person or company controlled by, controlling, or under common control with Company, provided that, to ensure individual privacy:

- a. such data is provided via an application programming interface, subject to Company's license agreement for such interface, in compliance with a national data format specification such as the Mobility Data Specification;
- b. any such data provided shall be treated as trade secret and proprietary business information, shall not be shared to third parties without Company's consent, and shall not be treated as owned by the local authority; and

- c. such data shall be considered personally identifiable information, and shall under no circumstances be disclosed pursuant to public records requests received by the local authority without prior aggregation or obfuscation to protect individual privacy.

8. Indemnification

Company agrees to indemnify, defend and hold harmless City (and City's employees, agents and affiliates) from and against all actions, damages or claims brought against City arising out of Company's negligence or willful misconduct, except that Company's indemnification obligation shall not extend to claims of City's (or City's employees', agents' or affiliates') negligence or willful misconduct. City expressly acknowledges that in no event shall Company be liable for any special, indirect, consequential or punitive damages. Company's indemnification obligations shall survive for a period of one (1) year after expiration of this Agreement. Company shall be released from its indemnification obligations under this section if the loss or damage was caused by the City's negligent construction or maintenance of public infrastructure. City's right to indemnification shall be contingent on City notifying Company promptly following receipt or notice of any claim; Company shall have sole control of any defense; City shall not consent to the entry of a judgment or enter into any settlement without the prior written consent of Company.

9. Insurance

Company shall provide City with proof of insurance coverage exclusively for the operation of Stand-up Electric Scooters including: (a) Commercial General Liability insurance coverage with a limit of no less than \$1,000,000.00 each occurrence and \$2,000,000.00 aggregate; (b) Automobile Insurance coverage with a limit of no less than \$1,000,000.00 each occurrence and \$1,000,000.00 aggregate; (c) Umbrella or Excess Liability coverage with a limit of no less than \$5,000,000.00 each occurrence/aggregate; and (d) where Company employs persons within the City, Workers' Compensation coverage of no less than the statutory requirement.

10. Miscellaneous

a. All notices and communications to the City from Company shall be made in writing (includes electronic communications) and sent to the address below.

b. In carrying out their responsibilities, the parties shall remain independent contractors, and nothing herein shall be interpreted or intended to create a partnership, joint venture, employment, agency, franchise or other form of agreement or relationship.

c. This agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia.

City, State

Bird Rides, Inc.

Signed By:

Signature: _____

Print Name: _____

Title: _____

Signature: _____

Print Name: _____

Title: _____

Address:

Enforcement
Standard language



Hello, Petersburg, VA

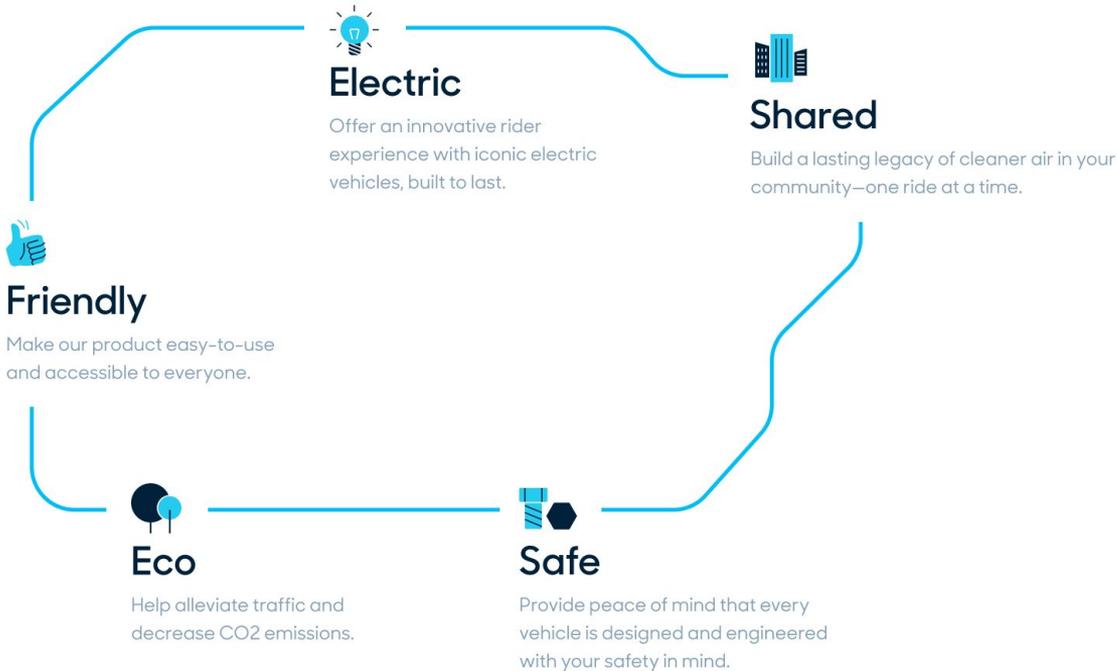


October 2023



What is Bird?

A micromobility company with a focus in shared electric vehicles.



Who is Bird?

Bird is a dockless electric micro-mobility vehicle sharing company that operates in over **350 cities** and **70 universities**.

Our mission is make cities and campuses more livable and bring communities together by providing affordable, environmentally-friendly transportation.

Today...

5 Continents.
25 Countries.
350+ Cities.
70+ Universities
100M+ Rides.
 Listed on **NYSE**
BRDS



Solve last-mile problem and connect more residents to transit options



Reduce congestion and over-reliance on cars



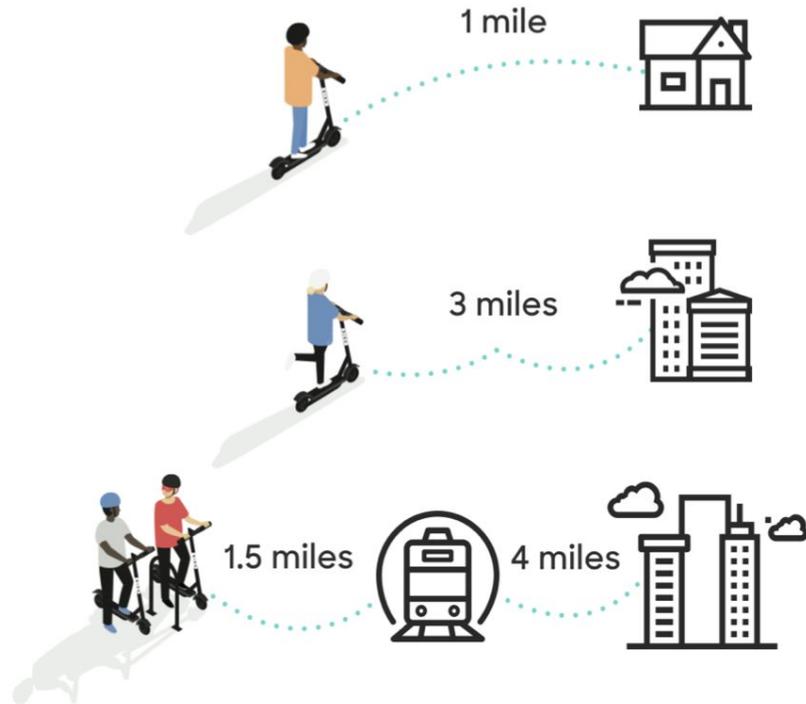
Improve air quality and reduce GHG emissions



Improve the overall quality of life

First Mile Last Mile

Great solution for quick trips



Get to School or Work

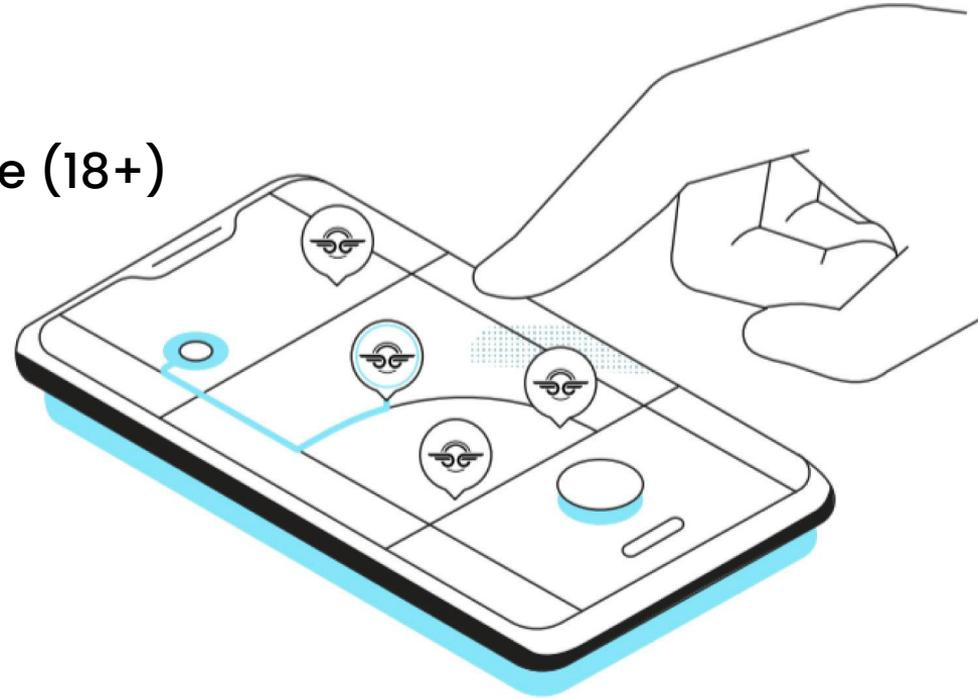
Don't hassle to re-park

Connect to transit or go one way



How it works

1. Download the Bird app
2. Sign user agreement & verify age (18+)
3. Add payment
4. Complete educational tutorials
5. Enjoy the ride!



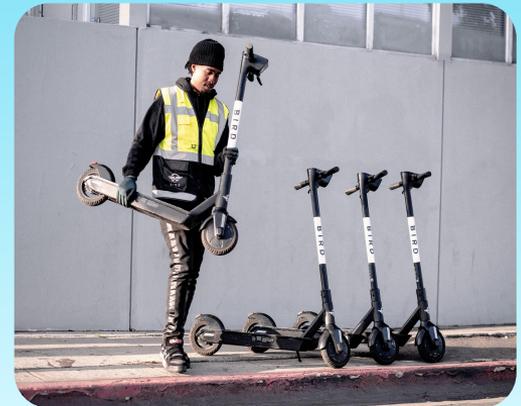
The Dockless Model

Follow the rules of the road like a bike

Freedom to choose where to pick up and drop off

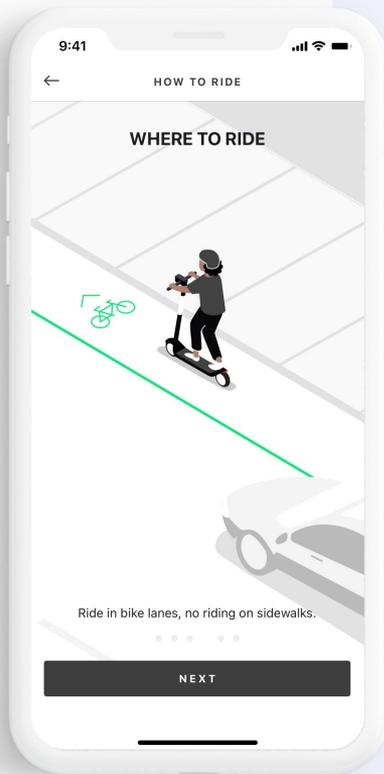
Available for use within the designated 'operating zone'

Vehicle waits for next rider or is moved by Bird

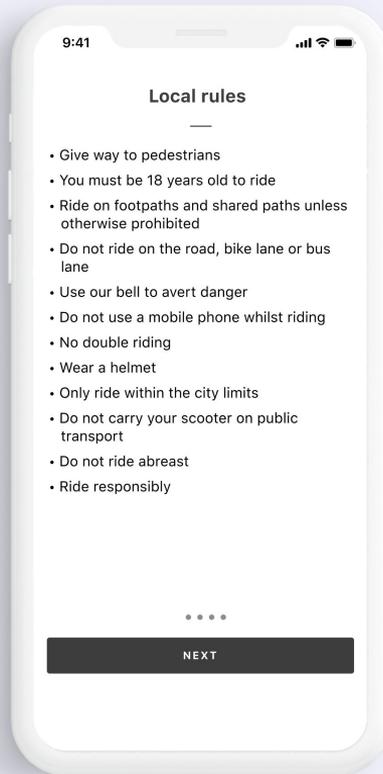


Safety

All riders are required to review a tutorial on how to ride safely before they can start their ride



Safe Riding Tips



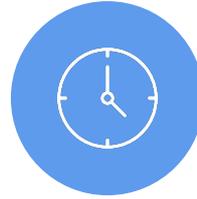
Local Rules

Local Rules

Local rules are customized for each market including specific information about parking and no-ride zones

Safe Operations Leadership

Our policies help regulate the usage and access of our vehicles to ensure both riders and members of the community are able to safely and freely move throughout the city.



**Ceasing late night
operations**



**Responsible
speed limits**



**Minimum age
requirements**



**Zero tolerance
for unsafe
behavior**

Bird's multimodal, shared vehicle fleet



BirdZero

BirdOne

BirdTwo

BirdThree

BirdS

Pricing

Standard Pricing

\$1+ a per minute fee. Averaging ~\$6 a ride.

Equitable Pricing Options

Discounts available to those in government assistance programs, veterans, senior citizens, healthcare workers, students with pell grants, etc.



Transportation for all: Equity Programs

Bird has launched several programs and features aimed at increasing transportation access in the communities where we operate.

1

Text-to-Unlock

Riders who don't have access to a smartphone can text Bird directly to begin a ride

2

Alternative payment options

Bird accepts a range of payment options, prepaid debit cards and cash-to-load payments

3

Equity zone pricing

Bird automatically applies discounts to rides that begin and end in designated equity zones

4

Community pricing

Bird offers discounts up to 50% for qualified low-income, veteran, and senior citizen riders



We offer mobile app and customer support in: Arabic, Catalan, Chinese, Czech, Danish, Dutch, English, Finnish, French, German, Hebrew, Hungarian, Italian, Japanese, Laotian, Polish, Portuguese, Romanian, Russian, Somali, Spanish, Swedish, Turkish, Ukrainian, Vietnamese

Significant economic benefits of micromobility



Supporting Local Businesses

Over 50% of riders report using a Bird to visit a local business, and the majority of those (70%+) said riding a Bird made them more likely to visit that business.¹



Job Creation

To manage local operations, Bird partners with full time Fleet Managers, responsible for on-the-ground fleet logistics, care, and community education.



Expanding Job Access

By doubling or tripling how far people can travel to access public transit, Bird expands job access without lengthening commutes or adding cars to the road.



Reduction in GHG Emissions

Each Bird 3 prevents an estimated 103kg of greenhouse gas emissions during its lifetime.²

1. Source: Qualtrics Rider Survey

2. Based on Bird Two actual data, including pre-COVID KPIs. -1.5 ear half-life, and 272 grams per passenger mile lifecycle GHG emissions. Potential for greater emissions reductions on newer Bird-designed vehicles, including Bird Three.

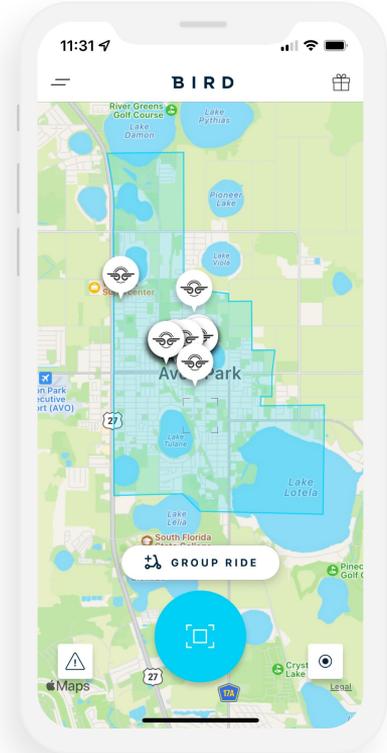
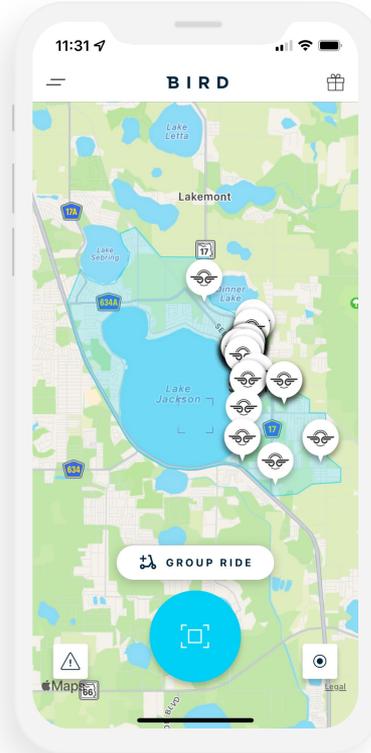


Operating Zone

Scooters will only be active within the city's boundary (highlighted in blue)

Operating Zone can be tailored based on city design

Vehicles will become inoperable should they leave the zone



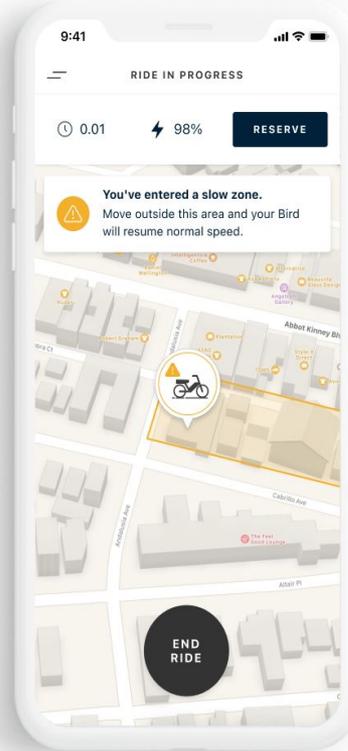
Geo-Zone Technology

All vehicles are tracked with GPS.

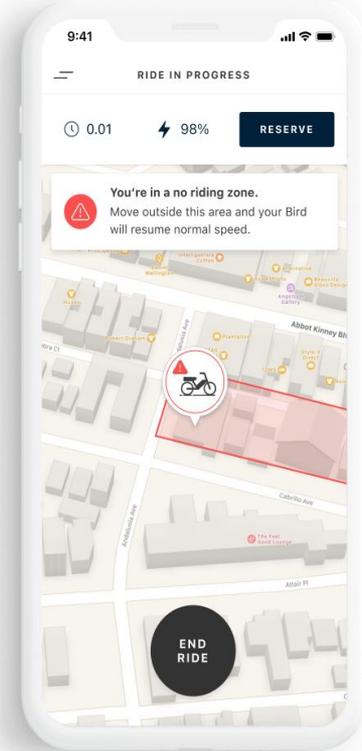
When riders enter a designated geo-zone, vehicles follow set rules.

Vehicles will slow down or stop, and riders are notified by a vehicle sound and an in-app notification.

Slow Zone



No-Ride Zone



Speed Control: How it works

VLS | Vehicle Location System

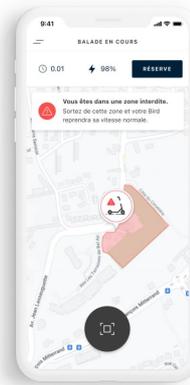
All vehicles are pre-loaded with map data so when a Bird enters a predetermined geospeed zone, the Vehicle Location System (VLS) triggers and the vehicle automatically slows



BirdOS, Bird's proprietary operating system is dynamically preloaded with the local GPS feed as the vehicle travels so there are **no data delays** from having to download geolocation data from the cloud.

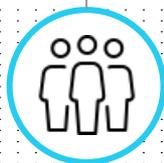


Map data is **cross-checked against current vehicle location** to pinpoint the precise speed limit, no ride zone or other designation (e.g. permitted parking zone) assigned to that location.



Focus on Reducing Clutter

Bird's future relies on properly integrating dockless micromobility into our communities



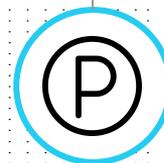
Educate Riders



Nudge Desired Behaviors



Local Presence



Make Space



Leverage Data

Safety is our top priority.

We are committed to providing safe mobility—as evidenced by our industry-leading safety record.

We hold ourselves to strict safety standards, and develop products and tools that protect riders and non-riders.



After 4 years and millions of rides taken on our shared fleets, we are pleased to report a global injury Incidence rate of 1:50K rides, **less than half the medical incident rate of cars.**

Bird's safety focus has driven a safety record superior to cars and micromobility competition.

Documented Medical Incident Rate ^{1,2}



1:50K



1:50K



1:20K



1:10K

- ¹ Injury incidence rate calculated as the percentage of total trips with incidents or accidents reported which required medical treatment. Documented injury rates for bicycles, automobiles, and motorcycles reflect national averages, whereas Bird's documented injury rate (1:50K) reflects Bird's global average incidence rate.
- ² Sources include: Bird internal ride data, The U.S. Consumer Product Safety Commission, The U.S. National Highway Traffic Safety Administration, and The U.S. Bureau of Transportation Statistics.

Fleet Manager Model

Developed in partnership with cities, our fleet management approach prioritizes compliance and fleet regulation.

How it works

- We partner with cities directly and are the day-to-day contact
- We thoroughly vet local fleet operators to support logistics on-the-ground
- FMs are given small fleet and then scale up based on compliance metrics and other KPIs
- **Zero debt**, do not need to buy vehicles, no cost to leave the program
- We tightly regulate our fleet operations, and develop features, such as "Ride Ready," to ensure compliance with local regulations



80% retention rates
(v 30-40% for other contractor or hourly models) Many also employ support staff



Operational experts, experience in vehicle management and logistics



Create local businesses opportunities within the community

\$1,500+

Average weekly payout¹

900+

Local business partnerships

80%

Retention rate at month 6

Prioritizing Local Economic Impact

Our Fleet Manager operating model drives local economic impact by creating local business partnerships and increasing spending at businesses for each vehicle on the street.

Our Commitment

- Re-invest in local communities
- Support businesses as they recover
- Provide flexible, self-directed opportunities

Data Dashboard

You get access too:

- **Report Summary:**

- Anonymized Rider behaviors such as frequency and length of rides
- Number and length of rides segmented in various dimensions
- Available Birds and number of rides/Bird

- **Map view:** The map will provide a view of the current location of vehicles and nests, with the ability to restrict the view by specific areas

- **Usage heatmaps:** Ride start & end, segmented by various dimensions



Proposal

- ✓ **No Investment Required**
- ✓ **Dedicated Account Manager**
- ✓ **Data Dashboard provided**
- ✓ **# of Vehicles:** 75+ scooters, (means $\frac{2}{3}$ of fleet on street during peak ridership, others charging at FM location)
- ✓ **Specific operation zone**
- ✓ **Launch Date:** 3/2024
- ✓ **Approval Documentation:** Operating Agreement or MOU



Let's Ride

Jeremy Lynch
Sr Govt Partnerships Manager
jlynch@Bird.co





City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: October 17, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Naomi Siodmok

RE: **A public hearing and consideration of an ordinance recommending approval of a petition for a special use permit at the property located at 2744 South Crater Road for a hand car wash and detailing use in B-2, General Commercial, District. (Page 47)**

PURPOSE: For public hearing and consideration of an ordinance recommending approval of a petition for a special use permit at the property located at 2744 South Crater Road for a hand car wash and detailing use in a B-2, General Commercial, District.

REASON: To comply with policies, procedures and laws regarding the zoning of properties.

RECOMMENDATION: Approval with conditions:

1. The applicant shall maintain a clean site environment without any outside storage of materials or equipment.
2. No vehicle stored on the property awaiting cleaning may be retained on the premises for more than 48-hours.
3. No vehicle repair shall be operated on the subject premises.

BACKGROUND: Mr. Stacey Phelps, owner and operator of Sparkle Detailing, LLC is requesting a special use permit for hand car wash & detailing use at 2744 South Crater Road. This use is permitted with a special use permit per Article 23 of the zoning ordinance. Planning Commission, on September 7, 2023, and staff recommend approval with the following conditions:

1. The applicant shall maintain a clean site environment without any outside storage of materials or equipment.
2. No vehicle stored on the property awaiting cleaning may be retained on the premises for more than 48-hours.
3. No vehicle repair shall be operated on the subject premises.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: Revenue from the development of the property.

CITY COUNCIL HEARING DATE: 10/17/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: City Assessor; Economic Development, Planning and Community Development; Public Works; Neighborhood Services

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: The City Code Appendix B. Zoning

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. 2023 SUP 07 - 2744 S Crater Road - Case Report



City of Petersburg

Department of Planning and
Community Development
135 N. Union Street, Room 304
Petersburg, Virginia 23803

Naomi Siodmok
Planning Director
804-733-2308
nsiodmok@petersburg-va.org

TO: Mayor and City Council

From: Naomi Siodmok, Director of Planning & Community Development
Sandra A. Robinson, Zoning Administrator

Date: October 17, 2023

Subject: Case 2023-SUP-07
2744 S. Crater Road
Petersburg, Virginia 23805
Tax Parcel # 065140005

Request

2023-SUP-07: A petition by Mr. Stacey Phelps, owner and operator of Sparkle Detailing, LLC to be considered under Article 23. Supplementary Use Regulations. Special Uses. Section 4. Special Uses Enumerated. # 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 subject property is addressed as 2744 S Crater Road, further identified as TP# 065140005, and currently zoned B-2, General Commercial District which requires the approval of an overlay district of a **Special Use Permit for the proposed hand car wash & detailing use.**

Project Summary

The applicant, Mr. Phelps has been in the car wash and auto detailing business for over 20 years, once operating at the corner of N Jefferson Street and E Washington St and the corner of 601 E Wythe St and S Little Church Street. The applicant also operated a business in Prince George County, Virginia across Oaklawn Blvd and The Crossings Shopping Center located in the vicinity of 5201 Oaklawn Blvd near Dairy Queen and on property addressed as 5298 Plaza Dr, Millers Neighborhood Market, just in front of the Food Lion Grocery Store.



Mr. Phelps would like to continue operating as an entrepreneur in the City of Petersburg, Virginia city limits at the subject property addressed as 2744 S Crater Road. The applicant has been operating from the property under the assumption that because the structure had been built as an automated car wash when the Shell Service Station was in operation in 1994, the use was permitted by right. Upon the Zoning Administrator performing field inspections she recognized the operation and informed Mr. Phelps of the zoning regulations and requirements related to car washing and automobile detailing uses in the City of Petersburg. Hence, the application submittal.

The Zoning Ordinance was amended on May 1, 2001, by ordinance 01-ORD-23 to require a Special Use Permit for stand-alone vehicle repair uses per Article 23 of the Zoning Ordinance.

Article 3 Definitions. Section 2. Definitions. The ordinance defines a stand-alone vehicle repair shop: **A business which is engaged in** the provision of general repairs to motor vehicles, including the serving or rebuilding of engines and transmissions, vehicle suspensions, vehicle electrical, hydraulic, or fuel systems, or the provision of major overhauls and maintenance, or minor repairs and routine maintenance to vehicles or parts thereof, and **the washing or waxing of vehicles either through the use of automated devices or by hand.** The term "stand alone vehicle repair shop" shall not include the painting of vehicles, bodywork or framework performed on vehicles. Neither shall the term "stand alone vehicle repair shop" apply to the service shops of franchised new vehicle dealerships licensed as such by the Virginia Department of Motor Vehicles Dealer Services Division.

Mr. Phelps has operated a clean, well-maintained business since initially going into business and desires to continue operating and growing his business establishment in the city of Petersburg where he has roots. The property is kept free of outside storage of equipment and materials. (See Photos)

If approved, the applicant will be required to delineate the required parking spaces for ease of vehicle flow.



Existing and Surrounding Zoning

The subject property is zoned B-2, General Commercial District and predominantly all the properties fronting along S. Crater Road from Fort Mahone St (Wendy's) just beyond Rives Rd are zoned B-2, as well. The Walnut Hill Shopping Center area and Food Lion Plaza are zoned B-1, Shopping Center District. Just south of the subject property along Park Ave, are the Swift Creek Mill Apartments. The Battlefield Park Residential Subdivision is located along E Park, N Park, and South Park Dr. There is a heavily wooded area to the immediate south of the property between the proposed business and residential areas.



Zoning Map showing the subject property in yellow on Crater Road near Flank Road.



Comprehensive Plan

The City's Comprehensive Plan designates the area for commercial use as seen in red and circled in light blue below.



Public Input

As of the writing of this report, staff has not received any telephone calls or letters of support in favor or opposition to this request.

Recommendation

The Department of Planning & Community Development and the Planning Commission as of the September 7, 2023 meeting recommend approval of this request with the following conditions:

1. The applicant shall maintain a clean site environment without any outside storage of materials or equipment.
2. No vehicle stored on the property awaiting cleaning may be retained on the premises for more than 48-hours.
3. No vehicle repair shall be operated on the subject premises.



Attachments

1. Staff Report
2. Ordinance
3. Land Use Map
4. Site Photos
5. Special Use Permit Application
6. Public Works Correspondence
7. Tax Parcel Information
8. Special Use Code Requirements
9. Presentation

AN ORDINANCE RECOMMENDING APPROVAL OF A PETITION FOR A SPECIAL USE PERMIT WITH CONDITIONS AT 2744 SOUTH CRATER ROAD PARCEL IDENTIFICATION NUMBER 065140005 IN THE B-2, GENERAL COMMERCIAL, ZONING DISTRICT FOR HAND CAR WASHING AND DETAILING.

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

WHEREAS, the property is located at 2744 South Crater Road, PID: 065140005 and is in the B-2, General Commercial, zoning district; and

WHEREAS, the City received a petition submitted by Mr. Stacey Phelps, owner and operator of Sparkle Detailing, LLC, for a special use permit (SUP) per Article 23. Supplementary Use Regulations. Special Uses. Section 4. Special Uses Enumerated. # 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; and

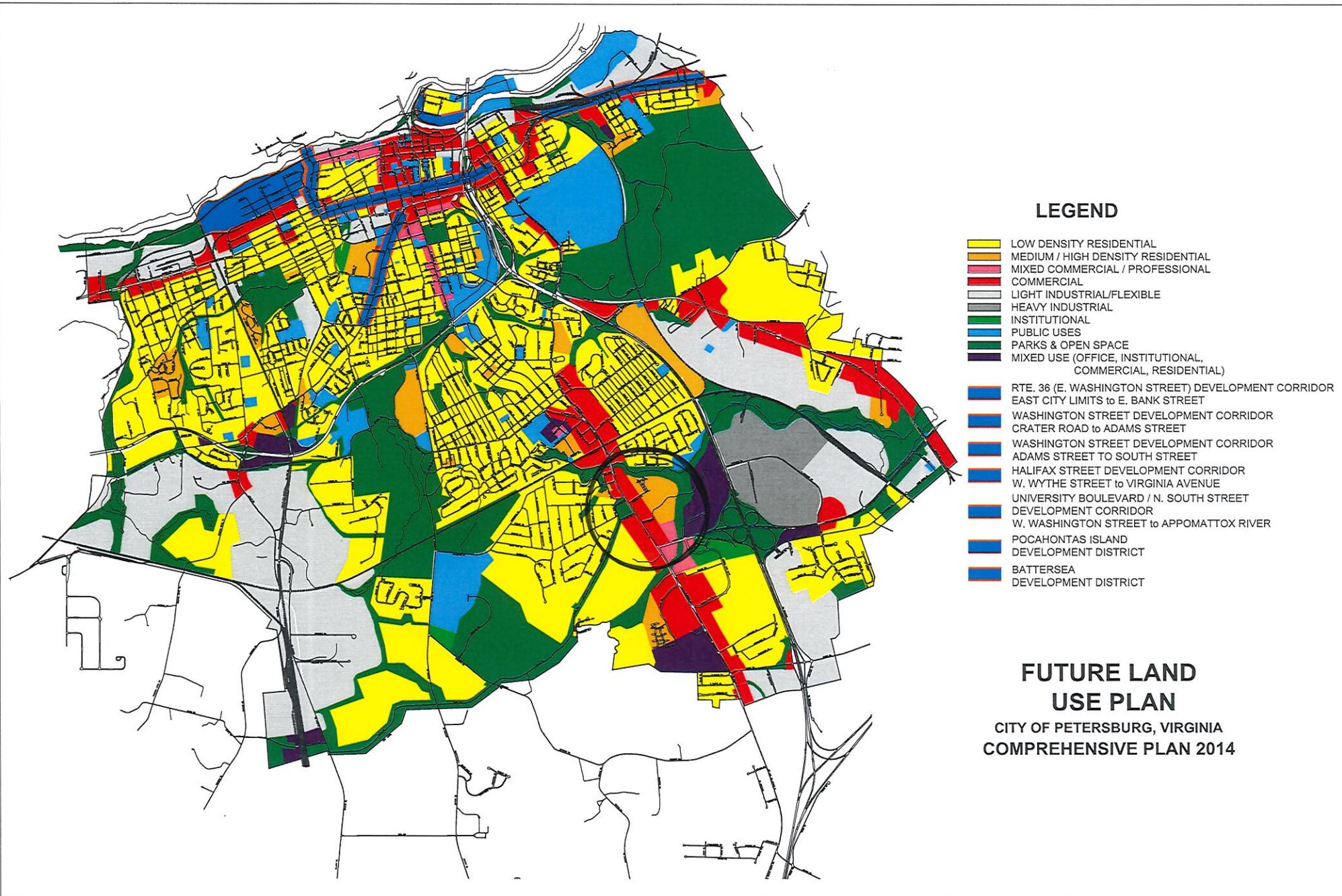
WHEREAS, the proposed use is a hand washing and detailing establishment, which falls within the requirements for a SUP under Article 23; and

WHEREAS, the City's Comprehensive Plan Future Land Use Plan designates the property as commercial and the proposed use is consistent with commercial establishments subject to further review by the Planning Commission and Council; 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 SUP, and the public hearing was advertised, in accordance with applicable laws.

NOW THEREFORE BE IT RESOLVED that City Council of the City of Petersburg does hereby recommend approval of a special use permit for 2744 South Crater Road subject to the following conditions:

1. The applicant shall maintain a clean site with no outside storage of materials or equipment.
2. No vehicle stored on the property awaiting cleaning may be retained on the premises for more than 48-hours.
3. No vehicle repair shall be operated on the subject premises.



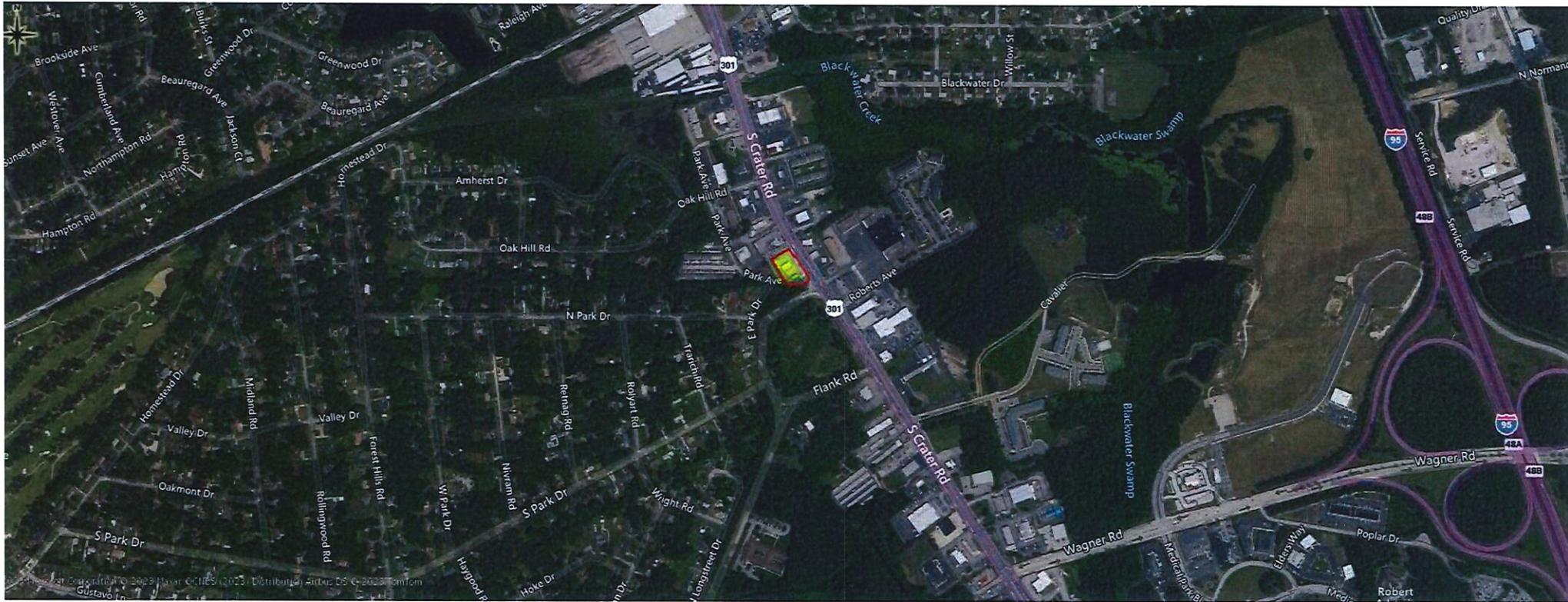
LEGEND

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

- RTE. 36 (E. WASHINGTON STREET) DEVELOPMENT CORRIDOR
- EAST CITY LIMITS to E. BANK STREET
- WASHINGTON STREET DEVELOPMENT CORRIDOR
- CRATER ROAD to ADAMS STREET
- WASHINGTON STREET DEVELOPMENT CORRIDOR
- ADAMS STREET TO SOUTH STREET
- HALIFAX STREET DEVELOPMENT CORRIDOR
- W. WYTHE STREET to VIRGINIA AVENUE
- UNIVERSITY BOULEVARD / N. SOUTH STREET
- DEVELOPMENT CORRIDOR
- W. WASHINGTON STREET to APPOMATTOX RIVER
- POCAHONTAS ISLAND
- DEVELOPMENT DISTRICT
- BATTERSEA
- DEVELOPMENT DISTRICT

**FUTURE LAND
USE PLAN**
CITY OF PETERSBURG, VIRGINIA
COMPREHENSIVE PLAN 2014

2744 S Crater Rd - Proposed Sparkle Detailing Site



2744 S CRATER ROAD - B-2, GENERAL COMMERCIAL DISTRICT



2744 S CRATER ROAD TP# 065140005



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: 2023-SUP-07

APPLICANT: Stacy Phelps

ADDRESS: 301 Beacon Ridge DR.
Hopewell, Va. 23860

I, Stacy Phelps, owner ^{Sparkle Detailing LLC,} hereby petition to rezone the following described properties
from zoning district B-2 to zoning district B-2

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

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-A zoning district only.

B. PROPERTY INFORMATION

1. Tax Parcel Identification Number(s):

065240005

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

2744 South Carter Road, Petersburg, Va. 23803

3. Approximate Area:

PLAT ATTACHED sq. ft. .804 acres

4. Public Street Frontage:

PLAT ATTACHED 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).

in the business to opening up a Hand Car-Wash Build of Location provide appropriate coverage to give job's opportunity to guy's that's not working. get them off the street. Cut down on Crime by giving someone a chance in the City of Peterburg to work.

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).

was as a car-wash in the past

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 allow customers to have clean cars at all time.

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

D. CERTIFICATION:

The undersigned applicant certifies that they:

 ✓ (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:

Stacy Phelps

Mailing Address:

301 Beacon Ridge Dr.

Hopewell, Va. 23860

Phone Number:

(804) 712-4806

Email Address:

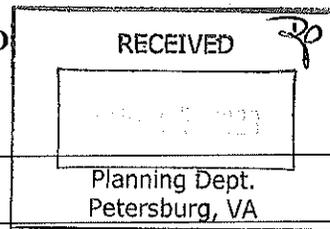
Sparkledetail4806@gmail.com

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

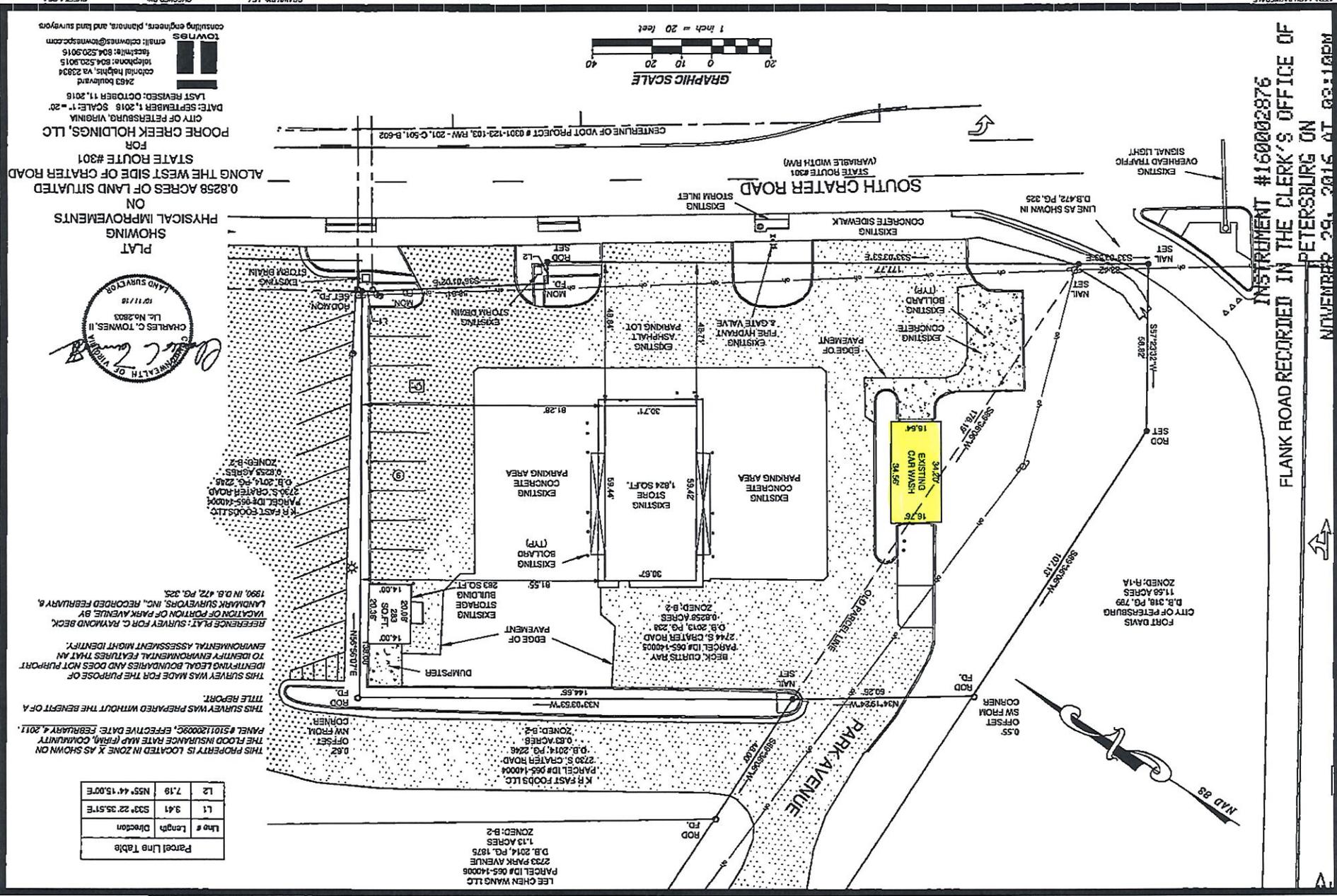
Property Owner(s): Adjacent to Affected Property

NAME(S)

Address(es)

SEE ATTACHED

INSTRUMENT #160002876
 FLANK ROAD RECORDED IN THE CLERK'S OFFICE OF
 PETERSBURG ON
 NOVEMBER 29, 2015 AT 03:10PM
 \$410.00 GRANTOR TAX WAS PAID AS
 REQUIRED BY SEC 58.1-802 OF THE VA. CODE
 STATE: VA CASE NO. 160002876



Parcel Line Table

Line #	Length	Direction
L1	3.41	S33° 22' 35.51"E
L2	7.19	N55° 44' 15.00"E

THIS PROPERTY IS LOCATED IN ZONE X AS SHOWN ON THE FLOOD INSURANCE RATE MAP (FIRM), COUNTY PANEL # 5101120009C, EFFECTIVE DATE: FEBRUARY 4, 2011. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. THIS SURVEY WAS MADE FOR THE PURPOSE OF IDENTIFYING LEGAL BOUNDARIES AND DOES NOT PURPORT TO IDENTIFY ENVIRONMENTAL FEATURES THAT AN ENVIRONMENTAL ASSESSMENT MIGHT IDENTIFY. REFERENCE PLAT: SURVEY FOR C. RAYMOND BECK VACATION OF PORTION OF PARK AVENUE, BY LANDMARK SURVEYORS, INC., RECORDED FEBRUARY 6, 1990, IN D.B. # 172, PG. 325.



PLAT SHOWING PHYSICAL IMPROVEMENTS ON 0.8258 ACRES OF LAND SITUATED ALONG THE WEST SIDE OF CRATER ROAD STATE ROUTE #301 FOR POORE CREEK HOLDINGS, LLC CITY OF PETERSBURG, VIRGINIA DATE: SEPTEMBER 1, 2016 SCALE: 1" = 20' LAST REVISION: OCTOBER 11, 2016
 2463 boulevard
 colonial heights, va 22034
 telephone: 804.520.9015
 fax: 804.520.9016
 email: cctownes@townespc.com
 TOWNES
 consulting engineers, planners, and land surveyors



SPECIAL USE PERMIT - ADDENDUM

STACY PHELPS – 2744 S CRATER ROAD PETERSBURG, VIRGINIA 23805

TAX PARCEL # 065140005

B-2, GENERAL COMMERCIAL DISTRICT

DEFINITIONS:

Stand-alone vehicle repair shop. A business which is engaged in the provision of general repairs to motor vehicles, including the serving or rebuilding of engines and transmissions, vehicle suspensions, vehicle electrical, hydraulic, or fuel systems, or the provision of major overhauls and maintenance, or minor repairs and routine maintenance to vehicles or parts thereof, and the washing or waxing of vehicles either through the use of automated devices or by hand. The term "stand alone vehicle repair shop" shall not include the painting of vehicles, bodywork or framework performed on vehicles. Neither shall the term "stand alone vehicle repair shop" apply to the service shops of franchised new vehicle dealerships licensed as such by the Virginia Department of Motor Vehicles Dealer Services Division.

ARTICLE 19. OFF-STREET PARKING REGULATIONS

Section 4. General.

All parking lots, regardless of the number of spaces, must have individual spaces marked. Such spaces shall be laid out on the parking surface with paint or plastic stripping which shall provide a permanent delineation between spaces. Spaces should be arranged so that any maneuvering directly incidental to entering or leaving a parking space shall not be on any public street, alley, or walkway.

Retail establishments, repair, plumbing and heating establishments and service establishments, excluding personal services defined hereinabove: One (1) space for every three hundred (300) square feet.

ARTICLE 23. SUPPLEMENTARY USE REGULATIONS—SPECIAL USES

Section 4. Special uses enumerated.

(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.

TAX PARCEL 065140005
 STACEY PHELPS

P #	Address	Owner
65140004	2730 S. CRATER ROAD Petg, VA. 23805 B-2	RAO. TANGADA K. PREMASUDHA 11637 Riverboat Dr Chester, VA. 23836
65140006	2733 PARK AVE Petersburg, VA. 23805 B-2	LEE CHEN WANG LLC 2733 PARK AVE PETERSBURG, VA. 23805
65120008	2727 S. CRATER Rd Petersburg, VA. 23805 B-2	GURUGI, LLC 2727 S. CRATER Rd PETERSBURG, VA. 23805
65120009	2731 S Crater Rd Petersburg, VA. 23805 B-2	SAYYAR PETERSBURG PROPERTY LLC 5231 Hickory Park Suite E. GLENALLEN, VA. 23059
65120014	2755 S. Crater Rd Petersburg, VA. 23805 B-2	Barksdale Oils Inc P.O. Box 910 Petersburg, VA. 23803
65120015	2791 S Crater Rd Petersburg, VA. 23805 B-2	STOREHOUSE OF VIRGINIA INC P.O. Box 1605 PETERSBURG, VA. 23805
65120012	2795 S. Crater Rd Petersburg, VA. 23805 B-2	ENGLISH HILLS PROPERTIES LLC P.O. Box 872 COLONIAL HEIGHTS, VA. 23834

65120013

2787 S. Crater Rd
Petersburg, VA. 23805
B-2

BARKSDALE BRUNER WASH
P. O. Box 910
Petersburg, VA. 23803

65140003

2716 S. Crater Rd
Petersburg, VA. 23805
B-2

NATIONAL RETAIL PROPERTIES LP
450 South Orange Ave
ORLANDO, FL 32801

65120007

2719 S. Crater Rd
Petersburg, VA. 23805
B-2

TAP LLC
2410 BOULEVARD
COLONIAL HEIGHTS, VA. 23834

81030001

2800 S Crater Rd
Petersburg, VA. 23805

PETERSBURG NATIONAL BATTLEFIELD

RE: Comment - 2744 S Crater Road Tax Parcel 065140005 SUP Requested for hand car wash/detailing

Darryl Walker <dwalker@petersburg-va.org>

Thu 8/31/2023 4:53 PM

To: Sandra Robinson <srobinson@petersburg-va.org>

Cc: Jerry Byerly <jbyerly@petersburg-va.org>

"Operation of the car wash lane on the premises is considered a **commercial** washing operation and therefore subject to the City's Illicit Discharge Ordinance without proper collection and disposal of residual wash water from operating the car wash lane."

From: Sandra Robinson <srobinson@petersburg-va.org>

Sent: Thursday, August 31, 2023 4:48 PM

To: Darryl Walker <dwalker@petersburg-va.org>

Cc: Jerry Byerly <jbyerly@petersburg-va.org>

Subject: Re: Comment - 2744 S Crater Road Tax Parcel 065140005 SUP Requested for hand car wash/detailing

Thanks Jerry,

Is there any particular language we should incorporate within an approval/recommendation?

Sandra

From: Darryl Walker <dwalker@petersburg-va.org>

Sent: Thursday, August 31, 2023 4:38 PM

To: Sandra Robinson <srobinson@petersburg-va.org>

Cc: Jerry Byerly <jbyerly@petersburg-va.org>

Subject: RE: Comment - 2744 S Crater Road Tax Parcel 065140005 SUP Requested for hand car wash/detailing

We haven't really regulated that much at all – e.g. the NE corner of Washington and Jefferson...so I don't think we can really break precedent here.

That being said, the applicant should be notified that if he does open that car wash lane up and starts operating that, it would then become more of a "commercial" car washing operation and the wash water would have to be collected and disposed of properly...otherwise it would be a violation of the City's Illicit Discharge Ordinance.

From: Sandra Robinson <srobinson@petersburg-va.org>

Sent: Thursday, August 31, 2023 4:26 PM

To: Darryl Walker <dwalker@petersburg-va.org>

Cc: Jerry Byerly <jbyerly@petersburg-va.org>

Subject: Re: Comment - 2744 S Crater Road Tax Parcel 065140005 SUP Requested for hand car wash/detailing

I'm going to say 1994 is when the car wash was built. The structure is still out there. Again, he is only doing hand car-washing and detailing.

Sandra

From: Darryl Walker <dwalker@petersburg-va.org>

Sent: Thursday, August 31, 2023 3:32 PM

To: Sandra Robinson <srobinson@petersburg-va.org>

Cc: Jerry Byerly <jbyerly@petersburg-va.org>

Subject: RE: Comment - 2744 S Crater Road Tax Parcel 065140005 SUP Requested for hand car wash/detailing

When is the last time the care wash lane operational? Based on the old Google Map images I have seen (back to 2008) none of them appear to show the site or the car wash lane in operation.

From: Sandra Robinson <srobinson@petersburg-va.org>

Sent: Thursday, August 31, 2023 2:54 PM

To: Darryl Walker <dwalker@petersburg-va.org>

Cc: Jerry Byerly <jbyerly@petersburg-va.org>

Subject: Comment - 2744 S Crater Road Tax Parcel 065140005 SUP Requested for hand car wash/detailing

Good afternoon Darryl and Jerry,

Do either of you see any issues with a hand car washing and detailing service establishment being located at 2744 S Crater Road. The subject property at one time had an automatic car washing structure in use when the Shell or Kangaroo Service Station was there. This item is being reviewed by the Planning Commission at its September 7, 2023 meeting.

Sandra A Robinson

Zoning Administrator

Planning/Community Development

Phone 804-733-2309

Cell 804-481-0800

srobinson@petersburg-va.org

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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 28, 2023

Public Notice

Notice is hereby given to all interested persons, property owners and business owners that the City of Petersburg Planning Commission will hold a Public Hearing on Thursday, September 7, 2023, beginning at 6:30pm., at the Petersburg Public Library, Multi-Purpose Room, 201 W Washington Street, Petersburg, Virginia, 23803 to hear the following case:

2023-SUP-07: A petition by Mr. Stacey Phelps, owner and operator of Sparkle Detailing, LLC. to be considered under Article 23. Supplementary Use Regulations. Special Uses. Section 4. Special Uses Enumerated. # 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 subject property is addressed as 2744 S Crater Road, further identified as TP# 065140005, and currently zoned B-2, General Commercial District which requires the approval of an overlay district of a Special Use Permit for the proposed hand car wash & detailing use.

Information and related material concerning the Public Hearing items may be examined on the Planning Commission Website: <http://www.petersburgva.gov/119/Planning-Commission>, or by contacting the Department of Economic Development, Planning and Community Development at (804)-733-2308.

All interested persons shall have the opportunity to be heard at said public hearing.

Should you have any questions or need additional information, please contact the Department of Economic Development, Planning and Community Development by postal mail sent to 135 N Union Street, Petersburg, VA. 23803, via telephone at 804-733-2308, or via email at pcd@petersburg-va.org.

Naomi Siodmok,

Director of Planning and Community Development

Petersburg, Virginia

Parcel: 065140005

Summary

Owner Name	POORE CREEK HOLDINGS C/O BARKSDALE OILS	National Historic District:	
Owner Mailing Address	1041 BANK ST PETERSBURG, VA 23803	Enterprise Zone:	
Property Use	428	Opportunity Zone:	
State Class:	4 Commercial and Industrial	VA Senate District:	16
Zoning:	B-2	Va House District:	63
Property Address	2744 CRATER RD Petersburg, VA	Congressional District:	4
Legal Acreage:	.804	City Ward:	3
Legal Description:	WALNUT HILL GARDENSPT LTS 20-25 BK A SEC 1 PARCEL A	Polling Place:	Petersburg High School Gymnasium
Subdivision:	Walnut Hill Gardens	Primary Service Area:	W-S
Assessment Neighborhood Name:		Census Tract:	8111
Local Historic District:		Elementary School:	Walnut Hill
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

Improvements

Finished (Above Grade):	4,205	Shed:	268
Basement:		Total Rooms:	
Attached Garage:	529	Bedrooms:	
Detached Garage:		Full Baths:	2
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
BECKCURTIS RAY	11/29/2016	\$300,000	2016/2876
BECKC RAYMOND	9/9/2013	\$0	2013/0238
	7/30/2001	\$0	2001/2734

Assessments

Valuation as of	01/01/2019	01/01/2020	01/01/2021	01/01/2022	01/01/2023
Effective for Billing:	07/01/2019	07/01/2020	07/01/2021	07/01/2022	07/01/2023
Reassessment					
Land Value	\$234,000	\$234,000	\$234,000	\$234,000	\$234,000
Improvement Value	\$175,700	\$175,700	\$175,700	\$175,700	\$175,700
Total Value	\$409,700	\$409,700	\$409,700	\$409,700	\$409,700

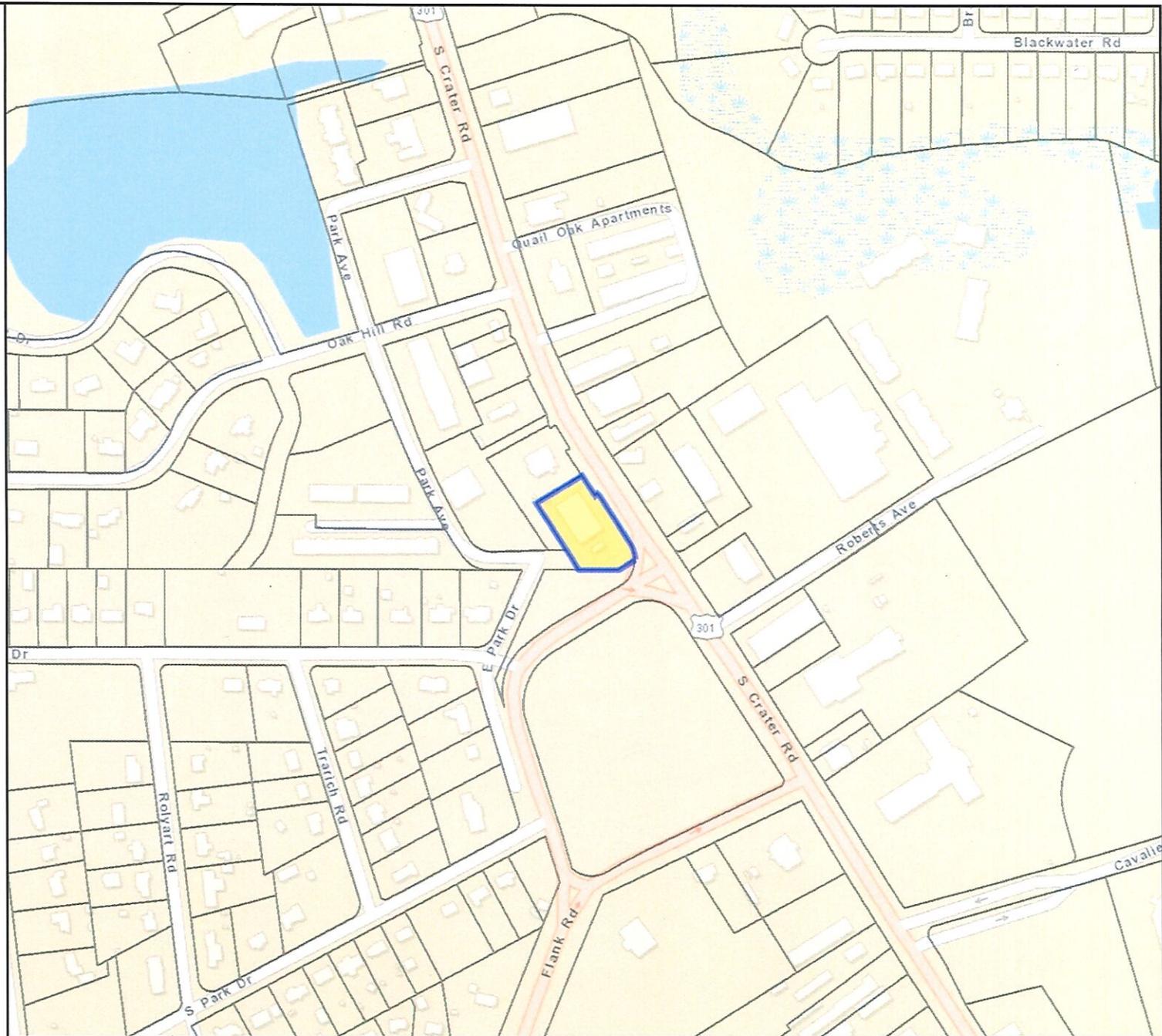
Property Tax (Coming Soon)

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

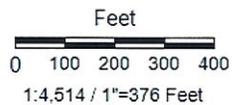
Legend

-  County Boundaries
-  Parcels
- Local Historic Districts
 -  Battersea/West High Street
 -  Centre Hill
 -  Courthouse
 -  Folley Castle
 -  Old Towne
 -  Poplar Lawn
 -  South Market Street



Parcel #: 065140005

Date: 8/15/2023



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.

**ARTICLE 23. SUPPLEMENTARY USE
REGULATIONS – SPECIAL USES**

Section 1. [Procedure for obtaining special use permit.]

Recognizing that certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district, certain special uses listed in section 4, below, when found to be in the interest of the public health, safety, morals and general welfare of the community, may be permitted in any district from which they are prohibited. Before the location or establishment thereof, or before any change of use of the premises existing at the time of the effective date of the regulations, or permitted as herein provided, is made, 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 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 will 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; provided, that the public health, safety, morals, and general welfare will not be adversely affected, that ample off-street parking facilities will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

Section 2. [Qualification of nonconforming use as special use.]

Any special use listed in section 4, below, existing at the effective date of these regulations, shall be considered a nonconforming use, unless it has qualified as provided above, and has been approved as a "special use" by the city council.

Section 3. [Additions or alterations to special uses.]

When [such changes are] found to be in the interest of the public health, safety, morals, and general welfare, the board of zoning appeals is hereby authorized to approve any and all additions or structural alterations to special uses after they have qualified and have been approved by the city council.

Supp. No. 5

Section 4. Special uses enumerated.

The following special uses may be approved by the council, as provided in this article:

- (1) Airports and landing fields;
- (2) Circus or carnival grounds, temporary for a specified period;
- (3) Drive-in theater;
- (4) Fairgrounds;
- (5) 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;
- (6) Public or government buildings;
- (7) Hospitals or sanitariums;
- (8) Cemetery;
- (9) Sports arena or stadium;
- (10) Race track;
- (11) Radio or television tower or broadcasting station;
- (12) Child care centers in residential district.
- (13) Bed and breakfast inn in R-3, R-4, R-5, and RB districts meeting the following requirements:
 - (a) Permitted capacity of two (2) persons per sleeping room, not to exceed a maximum of twenty (20) persons per structure;
 - (b) One-half (1/2) off-street parking space per sleeping room;
 - (c) Resident-manager on premises;
 - (d) Permitted sign area not to exceed two (2) square feet;
 - (e) Other requirements as deemed necessary to provide for the protection of surrounding property, persons, and neighborhood values.

- (14) 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.
- (15) Nightclub in B-2 and M-1 zoning district only.
- (16) Boarding, rooming, or lodging houses such to be permitted only in R-5 and B-2 zoning districts.
- (17) Convalescent and nursing homes such to be permitted only in R-5 and B-2 zoning districts.
- (18) Adult book store, adult entertainment establishment, adult motion picture theater and adult video store such to be permitted only in the B-2 zoning district.
- (19) Vehicle rebuilder, such to be allowed only in the M-1 and M-2 zoning districts.
- (20) Vehicle removal operator, vehicle storage lot, or vehicle tow lot, such to be permitted within the m-1 and M-2 zoning districts only.
- (21) Auto body shop and vehicle painting operations not accessory to a new-vehicle dealership such to be permitted only in the B-2, M-1, and M-2 zoning districts only.
- (22) Stand-alone used vehicle sales not associated with a new-vehicle dealership or not located upon the same parcel as such new-vehicle dealership, if located upon parcels of less than one acre in area, such to be permitted within the B-2 and M-1 zoning districts only.
- (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.

- (24) Small engine repair shop to be allowed within the B-2 and M-1 zoning districts only.
- (25) Tractor-trailer service station, to be allowed within the B-2, M-1, and M-2 zoning districts only.
- (26) Automobile service stations, to be permitted within the B-2, M-1, and M-2 zoning districts only.
- (27) Boat, semi-trailer truck, or recreational vehicle dealerships, to be allowed in the B-2 and M-1 zoning districts only.
- (28) Contractor storage yards such to be permitted within the m-1 and M-2 zoning districts only.
- (29) Mulching or composting facilities or yards such to be permitted within the M-1 and M-2 zoning districts only.
- (30) Mini-storage facilities or self-storage facilities such uses permitted within the B-2, M-1, and M-2 zoning districts only.
- (31) Homeless shelter.
- (32) Private Jails, halfway houses, or private prisons, whether for-profit or non-profit, such to be permitted within the B-2 zoning district only.
- (33) Hotels and motels providing fewer than forty-five (45) guest rooms, such to be permitted within the B-1, B-2, B-3, and MXD-2 Districts only.
- (34) Mobile home sales or the sales, storage, or display of modular housing units or mobile homes, such to be permitted within the M-1 District only.

CITY COUNCIL

OCTOBER 17,
2023



2023-SUP-07

Petition for a Special Use Permit for a Sparkle Detailing, LLC in a B-2, General Commercial, District

Background

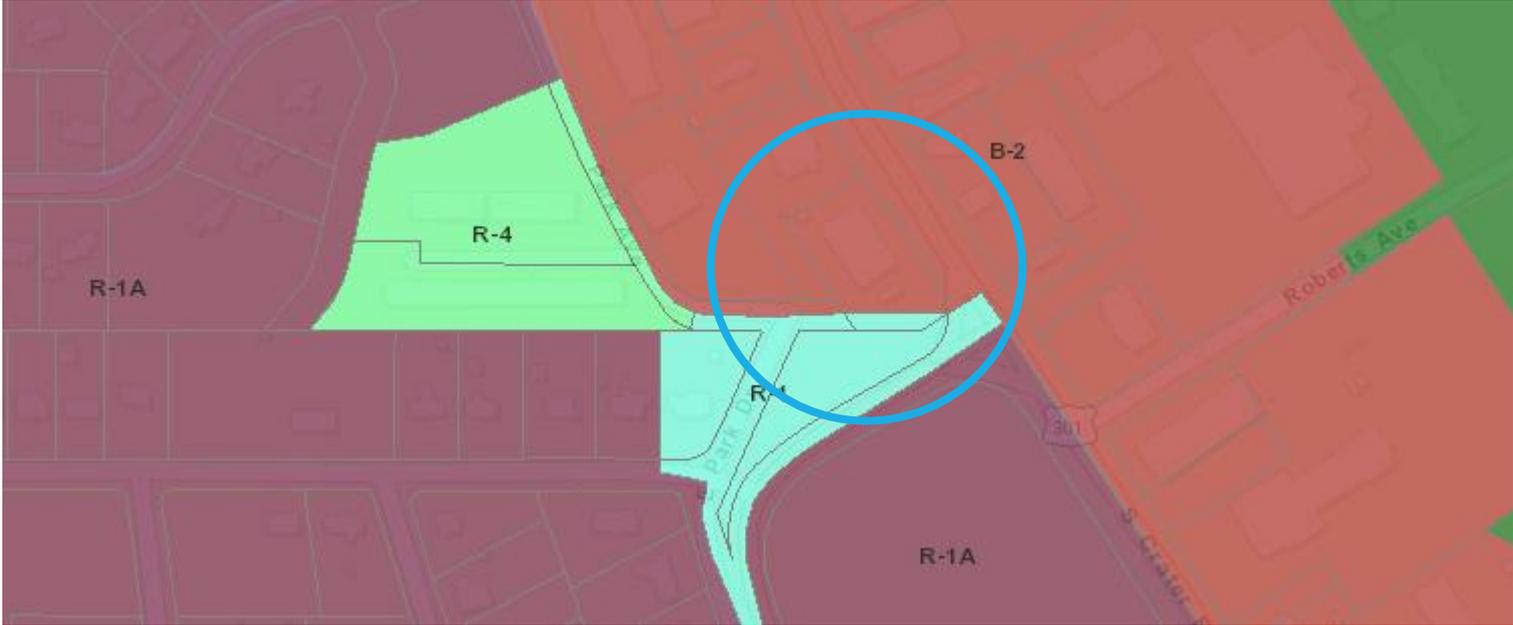
Applicant: Mr. Stacey Phelps with Sparkle Detailing, LCC

Request: Hand car washing and detailing establishment at 2744 S Crater Road in a B-2, General Commercial, District, which is allowable with a Special Use Permit.

Location 2744 S Crater Road



Zoning B-2, General Commercial



Comprehensive Plan Commercial



Recommendation

Staff and Planning Commission per the 9/7/2023 meeting recommend approval with conditions:

1. The applicant shall maintain a clean site with no outside storage of materials or equipment.
2. No vehicle stored on the property awaiting cleaning may be retained on the premises for more than 48-hours.
3. No vehicle repair shall be operated on the subject premises.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: October 17, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: March Altman, Jr.

RE: **Consideration of a public hearing on the Master Development Agreement between City of Petersburg and the Virginia Development Consortium for "Sycamore Grove" and "Adams North" Projects. (Page 82)**

PURPOSE: City Council to conduct a public hearing to consider the adoption of the Master Development Agreement and conveyance of real property in furtherance of the Sycamore Grove and Adams North projects.

REASON: City Council to conduct a public hearing to consider the adoption of the Master Development Agreement and conveyance of real property in furtherance of the Sycamore Grove and Adams North projects.

RECOMMENDATION: City Council approves the ordinance and authorizes the City Manager and City Attorney to take all actions necessary to execute the Master Development Agreement and continue negotiations with the Virginia Development Consortium.

BACKGROUND: The City of Petersburg issued a Request for Information (RFI) for prospective developers for the construction and operation of a grocery on City-owned parcels. Virginia Development Consortium (VDC) submitted a response expressing interest in the development of two (2) City-owned sites – 801 South Adams Street (former Southside Regional Hospital site) and the former Master Chevrolet properties. The City, along with the Commonwealth of Virginia via the Partnership for Petersburg, continue to negotiate with VDC to bring these transformative redevelopment projects forward.

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE: 10/17/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. Master Development Agreement & Ordinance - CC 100323

AN ORDINANCE TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE MASTER DEVELOPMENT AGREEMENT BETWEEN THE CITY AND VIRGINIA DEVELOPMENT CONSORTIUM FOR THE CONVEYANCE OF REAL PROPERTY IN FURTHERANCE OF THE “ADAMS NORTH” AND “SYCAMORE GROVE” PROJECTS

WHEREAS, the City is the owner of property located at 801 Adams Street and other properties in the area of East Bank Street and its intersections with Adams Street and North Sycamore Street; and

WHEREAS, Virginia Development Consortium has proposed to acquire said properties from the City in order to develop said properties as described in the attached “Master Development Agreement;” and

WHEREAS, it is the belief of the City that the conveyance of said properties under the terms described in the Agreement are in furtherance of the best interests of the City of Petersburg; and

WHEREAS, City Council has properly held a public hearing to receive citizen comment on said proposed conveyances.

NOW therefore be it ORDAINED that the City Manager and City Attorney are hereby directed take all actions necessary to execute the Master Development Agreement and continue negotiations with Virginia Development Consortium in furtherance of the creation of the individual Development Agreements for the “Adams North” and “Sycamore Grove” projects referenced therein.

MASTER DEVELOPMENT AGREEMENT

Between

CITY OF PETERSBURG, VIRGINIA

and

VIRGINIA DEVELOPMENT CONSORTIUM, LLC

As of _____, 2023

TABLE OF EXHIBITS

EXHIBIT "A"	PLAT OF SYCAMORE GROVE PROPERTY
EXHIBIT "B"	PLAT OF ADAMS NORTH PROPERTY
EXHIBIT "C"	PLAT OF COLLECTIVE PROJECTS
EXHIBIT "D"	PROPOSED FUNDING STRATEGY
EXHIBIT "E"	PROPOSED TIMELINE OF PROJECT

DRAFT

MASTER DEVELOPMENT AGREEMENT

THIS is the MASTER DEVELOPMENT AGREEMENT (hereinafter, “Agreement”) made as of the ___ day of _____, 2023, by and between the **CITY OF PETERSBURG, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (hereinafter, “City”), and **VIRGINIA DEVELOPMENT CONSORTIUM, LLC**, a Virginia limited liability company (hereinafter, “Developer”).

W I T N E S S E T H:

WHEREAS, Developer has been negotiating to purchase certain property located in the City and owned by City, containing approximately 24^{1/2} acres of land, with improvements thereon, that is commonly known as the former Southside Regional Hospital Site located at 801 S. Adams Street (“Sycamore Grove”), as more particularly described in Exhibit A, attached hereto and incorporated by reference hereby; and

WHEREAS, simultaneously, Developer is negotiating to develop a mixed-use residential, commercial, retail, office and parking project located at the Adams Street corridor, to include areas of Henry Street (“Adams North”), as more particularly described in Exhibit B, attached hereto and incorporated by reference hereby; and

WHEREAS, subject to the terms and provisions of this Agreement, City desires to convey, and Developer desires to acquire and develop Sycamore Grove and Adams North (collectively, “the Properties”, attached hereto as Exhibit C, and construct the Projects (hereafter defined), ; and

WHEREAS, subject to the terms and provisions of this Agreement, Developer intends to enhance the Sycamore Street and Adams Street corridors of City by developing the Projects, thus improving the image and economic vitality of the corridor and stimulating redevelopment of other retail, office and residential properties located in City; and

WHEREAS, the parties hereto recognize and agree that Developer is assuming significant financial risk in undertaking the Projects, and that all risks of cost overruns, labor difficulties, parcel acquisition and the like that are integral to making the Projects a success after fulfillment of City’s obligations hereunder, are the sole responsibility of Developer; and

WHEREAS, City has determined that development of the Projects will result in substantial benefits to the welfare of City and its inhabitants, and in furtherance of the public purposes and governmental interests served, including, but not limited to, increased tax revenues to be received by City; and

WHEREAS, City has further found that it is in the public interest of the citizens of City, and that it is consistent with the economic development goals of City to develop the Property in order to stimulate redevelopment of existing properties to generate higher revenues and create employment opportunities; and

WHEREAS, City and Developer hereby intend to set forth their basic understandings, agreements, rights and responsibilities in order to jointly facilitate the implementation of this Agreement.

WHEREAS, this Agreement in conjunction with specific Development Agreements for both Sycamore Grove and Adams North shall set forth their specific understandings, agreements, rights and responsibilities in order to jointly facilitate the implementation of both the Sycamore Grove and Adams North projects.

NOW, THEREFORE, in consideration of the mutual covenants, conditions, promises, representations and warranties herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the parties hereto, the parties hereto hereby agree as follows:

ARTICLE I
REPRESENTATIONS

Section 1.1 Representations of City. In order to induce Developer to enter into this Agreement, City represents and warrants to Developer as follows as of the date of this Agreement:

- (a) City is a political subdivision of the Commonwealth of Virginia, duly organized and validly existing under the laws of the Commonwealth of Virginia.
- (b) City is empowered to enter into this Agreement, to be bound hereby, and to perform according to the terms hereof.
- (c) Any and all actions necessary to enable City to enter into this Agreement, including action by the City Council, and to be bound hereby, have been duly taken.
- (d) The person or persons executing or attesting the execution of this Agreement on behalf of City has or have been duly authorized and empowered to so execute or attest.
- (e) The execution of this Agreement on behalf of City will bind and obligate City to the extent provided by the terms hereof.
- (f) There exists no litigation, actions, suits, investigations or proceedings pending against City, or to City's actual knowledge threatened, which if determined adversely, would materially and adversely affect the ability of City to carry out its obligations under this Agreement or the transactions contemplated hereunder.
- (g) This Agreement is a valid and binding obligation of City enforceable in accordance with its respective terms, except as may be affected by applicable bankruptcy or insolvency laws affecting creditors' rights generally.
- (h) Neither the execution and delivery of this Agreement, nor the consummation of the transactions herein contemplated, will conflict with or result in a breach of any of the terms, conditions or provisions of the legislation creating City or of any agreement or instrument to which City is now a party or otherwise bound or to which any of its properties or other assets is subject,

or of any order or decree of any court or governmental instrumentality, or of any arbitration award, franchise or permit, or constitute a default thereunder.

Section 1.2 Representations of Developer. In order to induce City to enter into this Agreement, Developer represents and warrants to City as follows as of the date of this Agreement:

(a) Developer is a limited liability company duly organized and validly existing by virtue of and according to the laws of the Commonwealth of Virginia, and qualified to do business in the Commonwealth of Virginia.

(b) Developer is empowered to enter into this Agreement, to be bound hereby, and to perform according to the terms hereof.

(c) Any and all actions necessary to enable Developer to enter into this Agreement, and to be bound hereby, have been duly taken.

(d) The person or persons executing or attesting the execution of this Agreement on behalf of Developer has or have been duly authorized and empowered to so execute or attest.

(e) The execution of this Agreement on behalf of Developer will bind and obligate Developer to the extent provided by the terms hereof.

(f) There exists no litigation, actions, suits, investigations, or proceedings pending against Developer, or to Developer's actual knowledge threatened, which if determined adversely, would materially and adversely affect the ability of Developer to carry out its obligations under this Agreement or the transactions contemplated hereunder, except for such matters as Developer has advised City in writing.

(g) This Agreement is a valid and binding obligation of Developer enforceable in accordance with its respective terms, except as may be affected by applicable bankruptcy or insolvency laws affecting creditors' rights generally.

(h) Neither the execution and delivery of this Agreement, nor the consummation of the transactions herein contemplated, will conflict with or result in a breach of any of the terms, conditions or provisions of the organizational agreements creating Developer or of any agreement or instrument to which Developer is now a party or otherwise bound or to which any of its properties or other assets is subject, or of any order or decree of any court or governmental instrumentality, or of any arbitration award, franchise or permit, or constitute a default thereunder.

(i) None of Developer's members, principals or officers nor any of its shareholders, directors or officers have been convicted of a felony or a crime involving moral turpitude.

ARTICLE II

THE PROJECTS

Further details concerning each of the two projects described in this Agreement including a timeline, funding details, and specifications concerning deliverables shall be developed by mutual agreement of the parties and memorialized by separate development agreements for each project. Such Agreements shall be executed no later than six months from the date of execution of this Master Agreement. The parties agree to negotiate the terms of such individual development agreements in good faith. The failure to execute these two separate agreements within the timeframe described in this paragraph shall result in reversion of the subject properties as described in paragraph 5.2.

Section 2.1 Sycamore Grove. Developer intends to develop Sycamore Grove , which shall be a mixed-use development consisting of approximately fifty-eight thousand three hundred (58,300) square feet, consisting of: (a) 76,490 gross square feet of retail space, to include a grocery store,, in-line retail, a gas station, corner retail and two (2) restaurants; (b) approximately 145 market rate residential units,; (c) associated parking lot improvements and construction.

Section 2.2 Adams North. Developer also intends to develop Adams North, which shall be a revitalized mixed-use residential, commercial, retail, office and parking section of Adams and Henry Streets. The Adams North Project will include 206,000 GSF residential space, 154,000 GSF office space with retail parcels, and 24,000 GSF parking or approximately 1,636 parking spaces.

ARTICLE III

FUNDING OF PROJECTS

Section 3.1 Funding of Projects. The Projects shall be funded by a capital stack that includes State and City contributions as well as Developer equity and a variety of additional financial devices, including, but not limited to, New Market Tax Credits, TIFs as more fully explained in Exhibit “D” and further detail will be provided in the respective Development Agreements.

Commented [NR1]: Spell out "TIF" since this is initial use.

ARTICLE IV

TIMELINE

Section 4.1 Timeline. Developer, with the assistance of the City’s expeditious processing of necessary permits and legal requirements, will complete the project in a reasonable amount of time. To begin, the Developer will complete the Grocery Store within 24 months of obtaining the building permit for the same. All development timelines are outlined in Exhibit “E” and further detail will be provided in the respective Development Agreements. .

Commented [NR2]: Is 24 months correct? Seems like a long time for construction after receiving building permit. Check with Marvin if 24 months is from start of development to completion of grocery store.

ARTICLE V

EVENTS OF TERMINATION

Section 5.1 Events of Termination by Developer. Each of the following shall constitute an Event of Termination by Developer:

(a) Breach of any material covenant, obligation or requirement of Developer arising under this Agreement, and the continuation of such breach for thirty (30) days after receipt of written notice from City specifying the nature and extent of such breach, or if such breach cannot reasonably be cured within such thirty (30) day period, the failure of Developer to commence to cure such breach within such thirty (30) day period and to diligently pursue same to completion.

(b) The filing by Developer of a voluntary proceeding or the consent by Developer to an involuntary proceeding under present or future bankruptcy, insolvency, or other laws respecting debtor's rights.

(c) The entering of an order for relief against Developer or the appointment of a receiver, trustee, or custodian for all or a substantial part of the property or assets of Developer in any involuntary proceeding, and the continuation of such order, judgment or decree unstayed for any period of ninety (90) consecutive days.

Section 5.2 Remedies. Should an Event of Termination by Developer occur hereunder, City may, by written notice to Developer, terminate this Agreement. Upon termination, all right, title and interest in and to the Property, and all improvements thereon, shall revert to City, subject to the right of a mortgagee of the Property to assume the obligations of Developer hereunder, as provided in Article 7 hereof. It is agreed and understood that this reversionary interest shall be contained in the deed to the Property from City to Developer. In addition to such right of termination, the non-defaulting party may, without the need to terminate this Agreement, exercise any remedies available to it at law or in equity. All remedies under this Agreement shall be cumulative and not restrictive of other remedies, including, without limitation, specific performance.

Section 5.3 Events of Termination by City. Each of the following shall constitute an Event of Termination by City:

(a) Breach of any material covenant, obligation or requirement of City arising under this Agreement, and the continuation of such breach for thirty (30) days after receipt of written notice from Developer specifying the nature and extent of such breach, or if such breach cannot reasonably be cured within such thirty (30) day period, the failure of City to commence to cure such breach within such thirty (30) day period and to diligently pursue same to completion.

Section 5.4 Remedies. Should an Event of Termination by City occur hereunder, the Developer may, by written notice to City, terminate this Agreement. The City shall reimburse VDC for the cost of all third-party costs incurred to date of termination and reasonable and necessary costs of terminating contracts with Providers or otherwise, less the total amount of any reimbursements previously made to VDC. Upon payment of the third-party costs by the City, VDC shall promptly assign and deliver to the City all rights, documents, deliverables, and

drawings (“Work Product”) associated with the third-party costs. The City shall also be liable to VDC for fair compensation to VDC for all tasks performed to the date of termination.

ARTICLE VI

INSURANCE; INDEMNIFICATION

Section 6.1 General Liability Insurance. Developer shall carry comprehensive general liability insurance insuring City and Developer against any and all liability for injury to or death of a person or persons and for damage to property in any way occasioned by or arising out of the activities of Developer, or City, their respective agents, contractors or employees, in connection with the design and construction of the Projects, in the amount of One Million Dollars (\$1,000,000) for property damage, bodily injury or death of persons. Developer may procure and maintain a “blanket” All Risk policy to satisfy the requirements of this Section 7.1, which may cover other property or locations of Developer and its affiliates and/or the affiliates of a member of Developer.

ARTICLE VII

MISCELLANEOUS

Section 7.1 Consents and Approvals. City and Developer commit to work harmoniously with each other, and except in instances (if any) where a consent or approval is specified to be within the sole discretion of either party, any consent or approval contemplated under this Agreement shall not be unreasonably withheld, conditioned or delayed, except that Developer acknowledges that this covenant does not apply to permits required from City in connection with the Projects. Unless a shorter or longer time period is specified in this Agreement, City shall give or withhold (provided such withholding is reasonable under the circumstances, unless a sole discretion standard expressly applies) such approvals, certifications, or consents within thirty (30) days, time being of the essence, except as otherwise specifically stated in this Agreement or as required or allowed by law.

Section 7.2 Notices. A notice, communication, or request under this Agreement by the City to Developer or by Developer to City shall be sufficiently given or delivered if dispatched by either (a) certified mail, postage prepaid, return receipt requested, (b) nationally recognized overnight delivery service (next business day service), or (c) hand-delivery (if receipt is evidenced by a signature of the addressee or authorized agent), and addressed to the applicable parties as follows:

Developer: Harold Johnson, II
Virginia Development Consortium, LLC
410 W. Washington Street
Petersburg, VA 23803

Phone: 202-507-2463
E-mail: hjohnson@cjrlegal.com

with a copy to: Nicole Cober Johnson, Esq.
Cober Johnson Romney
2000 M Street NW
Suite 750 B
Washington, DC 20036
Phone: 202-507-2463
E-mail: ncober@cjrlegal.com

City: John M. Altman, Jr.
City Manager
City of Petersburg
135 N. Union Street
Petersburg, Virginia 23803
Phone: 804-733-2301
E-mail: maltman@petersburg-va.org

with a copy to: Anthony Williams
City Attorney
City of Petersburg
135 N. Union Street
Petersburg, Virginia 23803
Phone: 804-733-2305
E-mail: awilliams@petersburg-va-org.

Any notice, communication, or request so sent shall be deemed to have been “given” (a) as of the next business day after being sent, if sent by nationally recognized express mail service, (b) as of the fifth business days after being sent, if sent by Registered or Certified U.S. Mail or (c) upon receipt, if sent by hand delivery. Either party may change its address for notice purposes by giving notice thereof to the other parties, except that such change of address notice shall not be deemed to have been given until actually received by the addressee thereof.

Section 7.3 Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed to an original, and such counterparts shall constitute one and the same instrument.

Section 7.4 Choice of Laws and Venue. This Agreement shall be governed by and construed and enforced in accordance with the laws of the Commonwealth of Virginia, including conflicts of laws. Any lawsuit, action, or proceeding arising under this Agreement shall, to the extent there is jurisdiction over the parties and subject matter, be brought exclusively in a court located in the City of Petersburg, Virginia.

Section 7.5 Unavoidable Delay. For the purpose of any of the provisions of this Agreement, neither City, nor Developer, as the case may be, nor any successor in interest, shall be considered in breach of or default in any of its obligations, including, but not limited to, the beginning and completion of construction, or progress in respect thereto, in the event of enforced delay in the performance of such obligations due to causes beyond its control, including but not restricted to, strikes, lockouts, actions of labor unions, riots, storms, floods, litigation, explosions, acts of God or of the public enemy, acts of government, insurrection, mob violence, civil commotion, sabotage, malicious mischief, vandalism, inability (notwithstanding good faith and diligent efforts) to procure, or general shortage of, labor, equipment, facilities, materials, or supplies in the open market, defaults of independent contractors or subcontractors (provided that remedies are being diligently pursued against the same), failures of transportation, fires, other casualties, epidemics, quarantine restrictions, freight embargoes, severe weather, inability (notwithstanding good faith and diligent efforts) to obtain governmental permits or approvals, or delays of subcontractors due to such causes, it being the purpose and intent of this Section that in the event of the occurrence of any such enforced delays, the time or times for the performance of the covenants, provisions, and agreements of this Agreement shall be extended for the period of the enforced delay (including any time reasonably required to recommence performance due to such enforced delay). The affected party shall use reasonable efforts to remedy with all reasonable dispatch the cause or causes preventing it from carrying out its agreements; and provided further, that the settlement of strikes, lockouts, and other industrial disturbances shall be entirely within the discretion of the affected party, and the affected party shall not be required to make settlement of strikes, lockouts, and other industrial disturbances by acceding to the demands of the opposing party or parties when such course is, in the judgment of the affected party, unfavorable to the affected party. Notwithstanding the above, (a) Developer may not rely on its own acts or omissions as grounds for delay in its performance, (b) City may not rely on its own acts or omissions or the acts or omissions of City as grounds for delay in its performance, and (c) the absence of immediately available funds shall not be grounds for delay.

Section 7.6 Representatives Not Individually Liable. No member, official, representative, or employee of City shall be personally liable to Developer or any successor in interest in the event of any default or breach by City for any amount which may become due to Developer or successor or on any obligations under the terms of the Agreement. No partner, member, representative, or employee of Developer or any of its members shall be personally liable to City in the event any default or breach by Developer for any amount which may become due to City or on any obligations under the terms of this Agreement. Such exclusions from liability shall not apply to intentional acts of wrongdoing, or acts constituting gross negligence or willful and wanton misconduct.

Section 7.7 Ancillary Documents. The City Representative is hereby authorized on behalf of the City to execute any and all other documents necessary or appropriate to effectuate the transactions contemplated by this Agreement and to grant such approvals and consents on behalf of the City, unless approval of City Council is first required.

Section 7.8 Incorporation into Agreement. All exhibits, schedules, and recitals form a part of this Agreement.

Section 7.9 Conflict of Terms. This Agreement has been drafted by the Developer. It is the intention of City and Developer that if any provision of this Agreement is capable of two constructions, one of which would render this provision valid and enforceable, then the provision shall have the meaning which renders it valid and enforceable.

Section 7.10 No Waiver. No failure on the part of City or Developer to enforce any covenant or provision contained in the Agreement nor any waiver of any right under this Agreement shall discharge or invalidate such covenant or provision or affect the right of the other party to enforce the same in the event of any subsequent default.

Section 7.11 Compliance with Laws. Developer shall, at all times, be subject to all applicable law pertinent to the Projects, this Agreement, and Developer's actions in connection with the Projects and this Agreement. Nothing in this Section 7.11 or any other part of this Agreement, however, shall be construed to (a) limit or prevent Developer from challenging at law or in equity the applicability of any Applicable Law and/or pursuing its rights in furtherance thereof through appropriate judicial proceedings or (b) constitute a waiver of due process. Notwithstanding anything to the contrary contained in this Agreement, no provision of this Agreement shall be construed to require Developer to comply with any applicable law during the period that Developer may be pursuing a bona fide challenge of the applicability, lawfulness, and/or enforceability of such applicable law (unless such law requires compliance during any such challenge). If the Developer's challenge is successful, Developer shall not be required by the provisions of this Agreement to comply with such applicable law.

Section 7.12 Effective Date of Agreement. The Effective Date of this Agreement shall be the date upon which it has been fully executed by the parties.

Section 7.13 Estoppel Certificates. City and Developer, at any time and from time to time, upon not less than thirty (30) days prior written notice from a party hereto, or to a person designated by such party, such as a tenant or a mortgagee or lender of Developer, shall execute, acknowledge, and deliver to the party requesting such statement, a statement in reasonably acceptable form to the requesting party certifying, among other matters, (a) that this Agreement is unmodified and in full force and effect (or if there have been modifications, that the same is in full force and effect as modified and stating the modifications), (b) stating whether or not, to the best knowledge of the signer of such certificate, City or Developer is in breach and/or default in performance of any covenant, agreement, or condition contained in this Agreement and, if so, specifying each such breach and/or default of which the signer may have knowledge, and (c) any other factual matters reasonably requested in such estoppel certificate, it being intended that any such statement delivered hereunder may be relied upon by the party requesting such statement and/or any person not a party to this Agreement (if such other person is identified at the time such certificate was requested). At any time after completion of the Project as provided herein City shall, at the request of Developer, promptly execute, acknowledge and deliver to Developer a statement to that effect and, to the extent true, that all of Developer's obligations under this Agreement have been fulfilled. The City Representative is hereby authorized to execute,

acknowledge, and deliver such certificates on behalf of the City.

Section 7.14 Good Faith and Fair Dealing. The parties covenant and agree each to the other that its conduct under this Agreement, and the interpretation and enforcement of the provisions hereof, shall be characterized by good faith and fair dealings so that the objectives of each party as set forth in this Agreement may be achieved.

DRAFT

IN WITNESS WHEREOF, City has caused this Agreement to be duly executed in its name and on its behalf by the City Manager of the City of Petersburg, Virginia, and Developer has caused this Agreement to be duly executed in its name and on its behalf by the Authorized Member of its Operating Manager.

CITY OF PETERSBURG, VIRGINIA

By: _____
John M. Altman, Jr.
City Manager

COMMONWEALTH OF VIRGINIA:
CITY OF PETERSBURG:

The foregoing instrument was acknowledged before me this _____ day of _____, 2023, by John M. Altman, Jr., as City Manager of the CITY OF PETERSBURG, VIRGINIA, a municipal corporation of the Commonwealth of Virginia.

Notary Public

My commission expires: _____

Notary Registration No.: _____

Approved as to form:

Anthony C. Williams
City Attorney

**VIRGINIA DEVELOPMENT CONSORTIUM,
LLC**, a Virginia limited liability company,

By: Virginia Development Consortium, LLC, a
Virginia limited liability company, its General
Manager,

By: _____
Harold W. Johnson, II
Co-Managing Member

By: _____
Elroy P. Sailor
Co-Managing Member

COMMONWEALTH OF VIRGINIA:
CITY/COUNTY OF _____:

The foregoing instrument was acknowledged before me this _____ day of _____, 2023, by Harold W. Johnson, II and Elroy P. Sailor as the Co-Managing Members of the Virginia Development Consortium, LLC, a limited liability company, organized under the laws of the Commonwealth of Virginia.

Notary Public

My commission expires: _____

Notary Registration No.: _____



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: October 17, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager
Brian Moore, Director of Economic Development

FROM: Naomi Siodmok

RE: **Consideration of an Ordinance approving a Petition to rezone the property located at 3287 County Drive from B-2 General Commercial Zoning District to M-1 Light Industrial Zoning District. (Page 99)**

PURPOSE: To consider an ordinance approving the petition to rezone the property located at 3287 County Drive from B-2 General Commercial Zoning District to M-1 Light Industrial Zoning District.

REASON: To comply with policies, procedures and laws regarding the rezoning of properties.

RECOMMENDATION: It is recommended that the City Council consider an Ordinance approving a Petition to rezone the property located at 3287 County Drive from B-2 General Commercial Zoning District to M-1 Light Industrial Zoning District.

BACKGROUND: The City of Petersburg received a petition to rezone the property located at 3287 County Drive from B-2 General Commercial Zoning District to M-1 Light Industrial Zoning District.

The Planning Commission is scheduled to hold a public hearing and consider a resolution with a recommendation to the City Council regarding the petition on May 4, 2023.

The public hearing was held on July 26, 2023, at the Regular City Council Meeting. Council asked to defer until September 19, 2023 as staff worked with Prince George regarding next steps with collaboration, permitting, and revenue.

Staff asks that this item be deferred until Prince George completes their Comprehensive Plan Amendment to accommodate the project.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: Revenue from the development of the property.

CITY COUNCIL HEARING DATE: 10/17/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: Prince George County. The development includes property in both Prince George County and the City of Petersburg.

AFFECTED AGENCIES: City Assessor; Economic Development, Planning and Community Development; Public Works; Neighborhood Services

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: The City Code Appendix B. Zoning

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. 0601_2023CaseReport2023REZ04_3287CountyDr



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

TO: Mayor and Council

FROM: Naomi Siodmok, Director of Planning and Community Development
Sandra A Robinson, Zoning Administrator

DATE: October 17, 2023

SUBJECT: Case 2023-REZ-04
3287 County Drive
Tax Parcel: 061020001

A petition from Lingerfelt Development LLC, owner Diamond Park, LLC., represented by Andrew M. Conclin, Roth Jackson Gibbons Conclin, PLC to rezone 3287 County Drive further identified as T.P. # 061020001, approximately 4.805 acres from the B-2(c), General Commercial District to M-I, Light Industrial District to permit Industrial Development and Distribution uses. The property is located on the southeast side of the intersection of U.S. Route 460E (County Dr.) and State Route 106 (Courthouse Road). The subject property was rezoned from "A", Agricultural District to the present B-2(c) General Commercial District Designation on May 8, 1990, Ord. 90-65. The current Comprehensive Plan 2000 suggests that the area is suitable for commercial/industrial uses.

DATE: Delivery to the Planning Department initially in October 2022, for consideration in conjunction with a rezoning application submittal to the Prince George County Planning Commission that was later changed to a Special Exception Application January 27, 2023, to be heard by the Prince George County Planning Commission on Thursday, April 26, 2023. The Prince George County zoning ordinance lacked a definition for what constituted "wholesale and processing" and "warehousing" and added a definition to restrict fulfillment centers. The Prince George Co Comprehensive Plan's Future Land Use designation for the subject site is for commercial land uses and a map amendment is in process.

I. APPLICANT'S PROPOSAL

The applicant is requesting an amendment to the previously approved conditional rezoning of vacant land which took place in May of 1990. The change is because of the applicant's desire to construct a speculative commercial structure to allow usage for wholesale, processing, and warehousing with indoor storage. The B-2(c) classification does not permit the operation of such uses therefore, the applicant is pursuing to rezone the

property. Currently, no user has been selected and the applicant would like to be prepared and in position to secure an industrial user involved in distribution, processing, production, and warehousing services.

The proposed rezoning designation M-1, which is the Light Industrial zoning designation would permit a range of light industrial uses, such as light manufacturing, trucking, storage, warehousing, and production operations. Typically, these types of uses have a lot of truck and vehicular traffic. The traffic can range depending on the extent of the use. It is also reasonable to expect congestion during shift changes and during the day with deliveries. The subject parcel is located off US 460 E (County Dr) and State Route 106 (Courthouse Rd) within and on the south side of the property along County Dr. towards the I-295 Ramp. See conceptual site plan renderings. The subject property is currently zoned B-2 (c), General Commercial District with conditions regarding use. Uses not permitted are as follows: used vehicle sales, vehicle rebuilding or body shops or repainting facilities or shops, used tire sales, towing lots, salvage dealers, or vehicle service operations which employ any form of outside storage of materials, equipment, and inoperable motor vehicles. In addition, Hotels, Motels, and motor hotels containing forty-five (45) or more units only. Childcare centers. Restaurants, service stations and other commercial venues. It should be noted that several of the above-mentioned uses would require the issuance of a Special Use Permit per Article 23. Supplementary Use Regulations – Special Uses Enumerated. Uses deemed permitted under the approved classification are printing, publishing, and engraving establishments, bottling works, dyeing and cleaning works or laundry, plumbing and heating shop, painting shop, upholstering shop, not involving furniture manufacturing; but no manufacturing; appliance repairs; and general service and repair establishments similar in character to those listed in this item; provided, that no outside storage of materials and equipment is permitted; and further provided, that no use permitted in this item shall occupy more than six thousand (6,000) square feet of floor area. Warehousing, wholesale distribution, fabrication, processing, and manufacturing are uses allowed under the M-1, Light Industrial zoning designations. It should be noted that in some instances, a particular use may be required to be approved for an overlay district classification per Article 23. Supplementary Use Regulations-Special Uses. The proposed use requested, if permitted, will be controlled by zoning conditions and ordinance standards.

The parcel is currently entirely wooded. The parcel is located between I-295, along County Dr. and Courthouse Rd with no impact on any neighboring residential developments or properties and allows interstate access. The location is excellent for commercial or light industrial activities, as it's near the highway and other industrial uses. A specific user has not been identified at the time of application submittal.

The applicant is proposing to provide appropriate landscaping and buffering of the project area within the City of Petersburg, Virginia to reduce any potential negative impact at Wagner Way, Courthouse Road and along County Drive. The applicant has met with the City's Development Review Team to discuss the regulations as it relates to public utilities, VDOT correspondence and Chesapeake Bay Regulations.

This rezoning request would only allow by-right development. If a use is deemed objectionable as defined in the Zoning Ordinance or as determined by the Zoning Administrator that use will require review and approval by the Planning Commission and City Council.

The development of this land would provide opportunities for additional jobs, and taxes for the City of Petersburg.

II. CHARACTER OF THE AREA

The subject property is immediately adjacent to the McDonalds fast-food restaurant and a convenience store/gas station (Miller Mart/BP station) which are located within the City of Petersburg, Virginia. Tractor Supply Company and Walton Elementary School are to the north. According to the site plan the section of

property located within the city limits will be located along County Drive (US 460 E) south of Wagner Way encompassing an area designated as a wetland, three (3) trucking lanes, and the corner of the proposed 480,000 square foot warehouse building/fulfillment center.

It is my understanding that both jurisdictions have discussed and determined that from an engineering standpoint, the subject parcel would be best served with utilities (water and sewer) through Prince George's system.

III. PUBLIC INPUT:

As of the writing of this report, the staff has received an email in support of the request from the Director of Economic Development, Mr. Brian Moore, no telephone calls, or letters have been received in support or in opposition to the request.

IV. FINDINGS AND STAFF ANALYSIS:

The City's Comprehensive Plan 2000 designates the area for commercial/Light Industrial uses. Staff recommends approval of the request to the subject property, Tax Parcel # 061020001 from B-2 (c) General Commercial District with conditions to M-I, Light Industrial District. The proposed use requested, if permitted, will be controlled by zoning conditions and ordinance standards.

Any land disturbance associated with the project more than 10,000 sq ft will require review and approval by Mr. Darryl Walker, Stormwater Manager, City of Petersburg. Other permits may be required contingent upon acreage/size of building.

Any disturbances to areas designated as wetlands must possibly undergo a review by the Army Corps of Engineers.

The proposed project will require the submission of a site plan and meet all applicable zoning requirements and regulations.

If the subject request is approved, the Petersburg Department of Planning and Community Development will work with the Prince George County Planning Department to ensure that all building/zoning permit reviews & approvals are granted prior to the construction of any new structures.

All buffering, landscaping, access and road improvements to include outdoor lighting will be addressed during the site plan review process with the Development Review Team and if need be, representatives of Prince George County.

Staff recommends that this case be deferred until approval by the Prince George County Board of Supervisors is granted.

V. Exhibits

Presentation

Ordinance

Resolution

Tax Parcel Map

Zoning Map

Comments

Applicant's Petition

TIA-VDOT Correspondence to Prince George Co

CITY COUNCIL
MEETING

OCTOBER 17,
2023



Item 13a.
Petition for a
Zoning
Amendment
3287 County Drive
from B-2 to M-1
Proposed Industrial
Development

Background

The City of Petersburg received a petition to rezone the property located at 3287 County Drive from B-2, General Commercial, to M-1, Light Industrial District.

The proposed use is warehouse space for distribution businesses.

Background (continued)

The parcel is in both Petersburg and Prince George County and is owned by the same owner.

The property in Prince George County is significantly larger and would be the primary site for the development and the property in Petersburg would be used primarily for parking and access.

Adjacent uses are Commercial to the North and vacant wooded property to the West. I-295 is to the South and the vacant property in Prince George is to the East.

Background (continued)

At the July 2023 Council meeting, staff was tasked with coordinating with Prince George to discuss financial benefits to Petersburg and was made aware that this project has yet to be entitled.

Prince George is working with the applicant on a Comprehensive Plan amendment prior to this project being able to advance.

Public Notice

Notices were sent to adjacent property owners and signs were posted on the property regarding the Rezoning consideration.

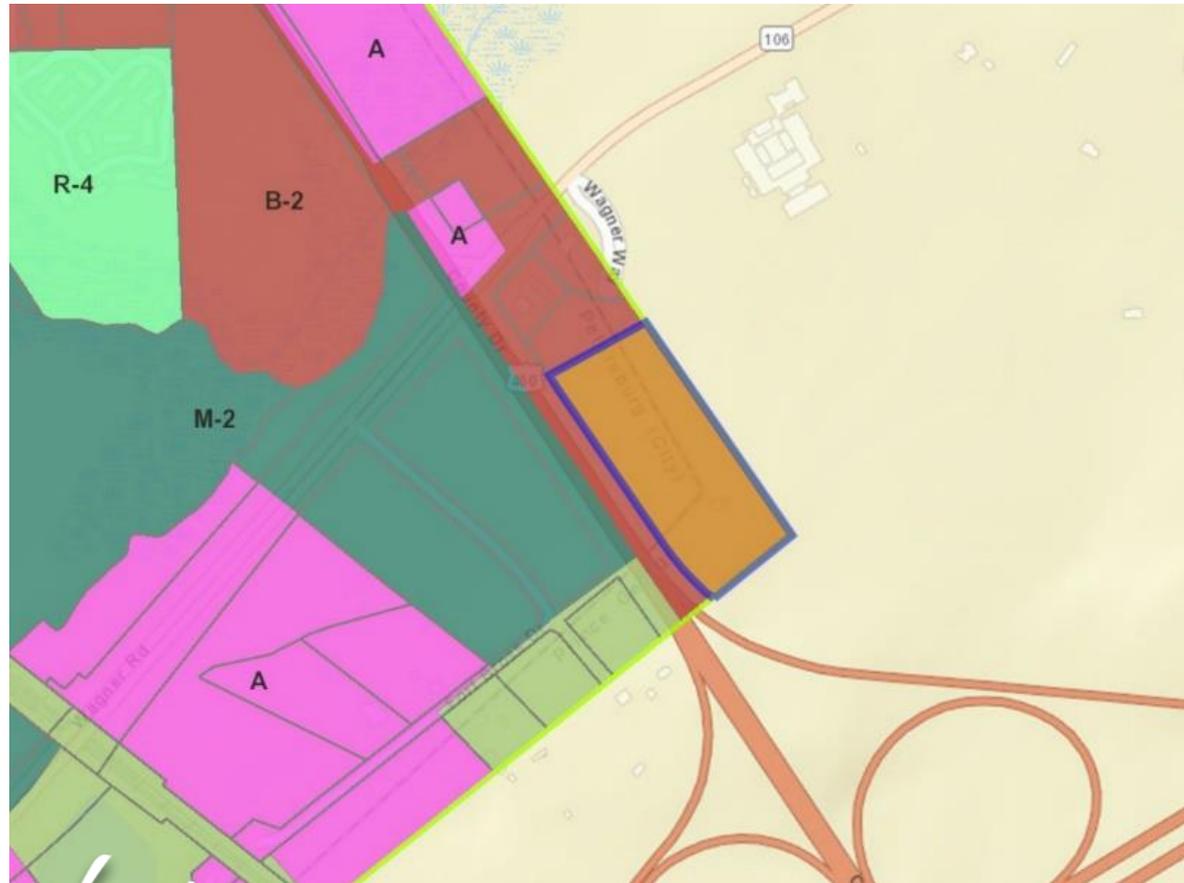
No concerns were received.

Property Description

Parcel ID	Acreage	Current Zoning Designation	
061020001	4.8 acres	B-2	General Commercial District

Zoning Map

B-2 General Commercial District



Comprehensive Plan Map Future Land Use - Commercial



Aerial Photo of the parcel



Aerial View



Recommendation

The Planning Commission considered the item during the June 1, 2023 meeting and recommended approval.

Staff recommends deferral of this project until Prince George entitles the project.

AN ORDINANCE RECOMMENDING APPROVAL OF A PETITION TO REZONE PROPERTY IN THE CITY OF PETERSBURG, LOCATED AT 3287 COUNTY DRIVE, PIN 061020001, FROM GENERAL COMMERCIAL DISTRICT (B-2) TO LIGHT INDUSTRIAL DISTRICT (M-1)

WHEREAS, the City of Petersburg received a petition to rezone the property located at 3287 County Drive, PIN 061020001, from General Commercial District (B-2) to Light Industrial District (M-1); and

WHEREAS, the purpose of the rezoning is to permit the construction of buildings for the operation of a light industrial and warehouse uses; and

WHEREAS, the proposed use is permitted in the M-1 district; and

WHEREAS, the current Comprehensive Plan Future Land Use Plan identifies the property as Commercial; and

WHEREAS, the Planning Commission considered the petition during the May 4, 2023 meeting, prior to a City Council Public Hearing and consideration of the petition and recommended approval; 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 recommending approval of a petition to rezone the property located at 3287 County Drive, and the public hearing was advertised, in accordance with applicable laws.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Petersburg hereby recommends approval of the petition to rezone the property located at 3287 County Drive, PIN 061020001, from General Commercial District (B-2) to Light Industrial District (M-1).

A RESOLUTION RECOMMENDING APPROVAL OF A PETITION TO REZONE PROPERTY IN THE CITY OF PETERSBURG, LOCATED AT 3287 COUNTY DRIVE, PIN 061020001, FROM GENERAL COMMERCIAL DISTRICT (B-2) TO LIGHT INDUSTRIAL DISTRICT (M-1)

WHEREAS, the City of Petersburg received a petition to rezone the property located at 3287 County Drive, PIN 061020001, from General Commercial District (B-2) to Light Industrial District (M-1); and

WHEREAS, the purpose of the rezoning is to permit the construction of buildings for the operation of a light industrial and warehouse uses; and

WHEREAS, the proposed use is permitted in the M-1 district; and

WHEREAS, the current Comprehensive Plan Future Land Use Plan identifies the property as Commercial; and

WHEREAS, the Planning Commission is scheduled to consider the petition during the May 4, 2023 meeting, prior to a City Council Public Hearing and consideration of the petition; 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 recommending approval of a petition to rezone the property located at 3287 County Drive, and the public hearing was advertised, in accordance with applicable laws.

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Petersburg hereby recommends approval of the petition to rezone the property located at 3287 County Drive, PIN 061020001, from General Commercial District (B-2) to Light Industrial District (M-1).

Petersburg, Virginia

Parcel: 061020001

Summary

Owner Name	DIAMOND PARK LLC	National Historic District:	
Owner Mailing Address	8901 BROOK RD GLEN ALLEN, VA 23060	Enterprise Zone:	
Property Use	400	Opportunity Zone:	51730811200
State Class:	4 Commercial and Industrial	VA Senate District:	16
Zoning:	B-2	Va House District:	63
Property Address	3287 COUNTY DR Petersburg, VA	Congressional District:	4
Legal Acreage:	4.805	City Ward:	1
Legal Description:	PART OF TRACTS A & B 4.8052 ACRES	Polling Place:	Blandford Academy
Subdivision:		Primary Service Area:	W-S
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
	2/15/2008	\$3,900,000	2008/711

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	\$561,000	\$561,000	\$561,000	\$561,000	\$561,000
Improvement Value	\$	\$	\$	\$	\$
Total Value	\$561,000	\$561,000	\$561,000	\$561,000	\$561,000

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

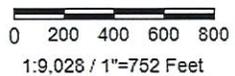
-  County Boundaries
-  Parcels



Parcel #: 061020001

Date: 5/31/2022

Feet

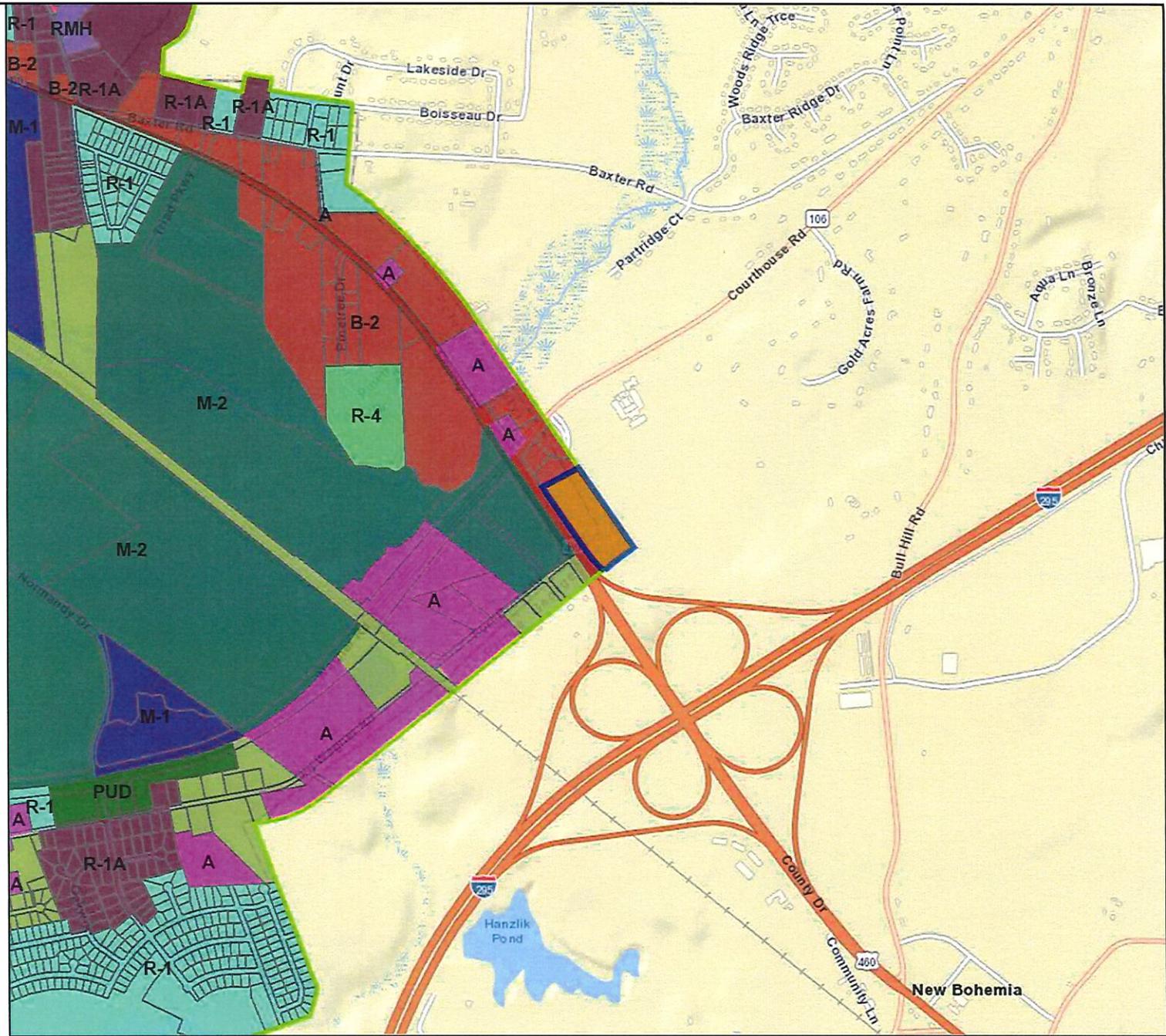


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Petersburg, Virginia

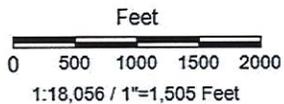
Legend

- 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 #: 061020001

Date: 5/1/2023



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.

RE: Upcoming Rezoning - 3287 County Drive TP# 061020001 Diamond Park, LLC

Brian Moore <bamoore@petersburg-va.org>

Thu 4/20/2023 1:43 PM

To: Sandra Robinson <srobinson@petersburg-va.org>

Good afternoon,

I am in support of this project. No further comments.

Thank you,

From: Sandra Robinson <srobinson@petersburg-va.org>

Sent: Thursday, April 20, 2023 1:30 PM

To: Darryl Walker <dwalker@petersburg-va.org>; Randall Williams <rwilliams@petersburg-va.org>; Richard Harris <rharris@petersburg-va.org>; Earle Greaves <egreaves@petersburg-va.org>

Cc: Jim Reid <jreid@petersburg-va.org>; John Hines <jhines@petersburg-va.org>; Travis C. Christian <tchristian@petersburg-va.org>; Brian Moore <bamoore@petersburg-va.org>

Subject: Upcoming Rezoning - 3287 County Drive TP# 061020001 Diamond Park, LLC

Good morning, Darryl and other City Staff,

Can you please provide me with any comments that you may have regarding the proposed rezoning request for the above-referenced property. As mentioned on the zoom call which several did not attend the City of Petersburg Planning Commission will hear and review the proposal at its May 4th, 2023, meeting at 6:30pm in the Multipurpose Room of the Petersburg Public Library, located at 201 W. Washington Street, Petersburg, VA 23803.

I have attached a copy of the site plan for the proposed rezoning. This request involves the construction of a spec base light manufacturing warehousing facility. The tenant is unknown at this time. Only a corner of the proposed structure will be based within the City of Petersburg, city limits and will include a parking area and drive lanes. The Prince George County Planning Commission will review a request for a Special Exception on April 27, 2023, for the part of the land located within the county.

It should be noted that if you have no comments/input please indicate that to acknowledge your review and familiarity with the proposal.

Thanking you in advance for your assistance in the handling of this matter. Have a wonderful weekend!

Cordially,

Sandra A Robinson

Zoning Administrator

Planning/Community Development

Phone 804-733-2309

Cell 804-481-0800

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: Lingerfelt Development, LLC by Andrew M. Condlin- Roth Jackson Gibbons
Condlin, PLC
ADDRESS: 1519 Summit Avenue, Suite 102
Richmond, Virginia 23230

Andrew M. Condlin, by Power of

I, Attorney hereby petition to rezone the following described properties
from zoning district B-2 to zoning district M-2

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

The applicant proposes to rezone and use the property for industrial use. A majority of the overall project is located in the County of Prince George, Virginia. A rezoning application has also been submitted to the County for a request to rezone to industrial. A proposed conceptual plan is attached.

B. PROPERTY INFORMATION

1. Tax Parcel Identification Number(s):

061020001

2. Current Street Address(es) if assigned:

3287 County Drive Petersburg Virginia

3. Approximate Area:

sq. ft. 4.805 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:

None

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).**

Please see attached Applicant's Statement.

- 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).**

A majority of the project is located in the County of Prince George, Virginia. No utility service is needed from the City nor will the project have an impact on other services provided by the City.

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

The proposed project will provide employment opportunities for the surrounding area, including the City, as well as economic development growth for small to mid-size businesses. Further, the improvements located on the property will increase the tax base in the City.

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

Please see attached Applicant's Statement.

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.

Applicant's Statement

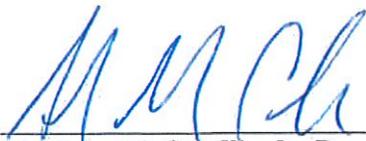
Benefits of Industrial Development in General

- The background of the request is the market demand for industrial and flex space and in particular what the market describes as speculative (spec) industrial space.
- The region's industrial market continues to push to record levels in nearly all aspects.
- Demand for spec industrial space in particular is higher than ever in the region despite shrinking availability among existing product.
- Over 8 million square feet (MSF) is expected to deliver to the region within the year, with 70%, or 5.6 million SF, already leased.
- Overall industrial market rental rates closed at \$6.72 per-square-foot, and vacancy fell to 2.1%.
- High bay product over 100,000 square feet was the most sought-after property class of the quarter with an availability rate of 1.7%, or a 79-basis point decrease quarter-over-quarter.
- The region continued to attract new business as major players announced large leases. AutoZone, TemperPack, and Thermo Fisher all signed leases greater than 100,000 square feet, despite facing space limitations and record high asking rates.
- Lingerfelt Development (the Applicant) has 1.3 MSF of industrial under construction or under contract and, excluding Wagner Way, another 4.5 MSF of industrial in the development pipeline. All of its development is spec industrial development.
 - On its two existing construction projects, Lingerfelt expects to be fully leased prior to receiving its certificate of occupancy.

Benefits of Spec Industrial Development Applicable to Subject Site

- Its specific location positions the City of Petersburg well.
- The region continues to need new supply of industrial space in the 100,000-500,000 square feet range in order to keep up with existing growth and new-to-market growth.
- Given the leasing velocity seen by the Applicant in its current construction projects, and the fact that 70% of the region's 8 million square feet currently under development is pre-leased, a speculative project like this in Prince George County and Petersburg positions the region very well comparatively against its peer localities to take advantage of the continued industrial growth along the I-95 corridor.
- It is anticipated that this development would be either distribution (70-75% probability) or light manufacturing (25-30% probability) and is likely to have 600+ jobs associated with its end user.

Signed:



Andrew M. Condlin, by Power of Attorney
1519 Summit Avenue, Suite 102
Richmond, Virginia 23230

Mailing Address:

Phone Number:

(804) 977-3373

Email Address:

acondlin@rothjackson.com

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)

PLEASE SEE THE ATTACHED LIST

Legal Descriptions

Parcel 1:

SECTION 1 of a point on the western boundary of the right of way line of County Drive (A.S. Route 462) and point being 246.17 feet south of the point of intersection of the western boundary of the right of way line of Courthouse Road (A.S. Route 103) and the western boundary of the right of way line of County Drive, thence being the western boundary of the right of way line of County Drive and proceeding in a northeasterly direction the following six (6) courses and distances:

- 1) N 25°43'47" E 250.00 feet to a point;
- 2) Thence N 70°22'30" E 302.57 feet to a point;
- 3) Thence along a curve to the left having a radius of 548.81 feet, a delta angle of 15°31'16" and an arc length of 143.28 feet to a point;
- 4) Thence S 34°15'11" E 421.94 feet to a point;
- 5) Thence along a curve to the left having a radius of 628.00 feet, a delta angle of 28°43'31" and an arc length of 453.98 feet to a point;
- 6) Thence S 37°28'54" W 312.30 feet to a point on the western boundary of the right of way line of County Drive.

Thence proceeding along the eastern boundary of the right of way line of County Drive in a northeasterly direction the following three (3) courses and distances:

- 1) Along a curve to the right having a radius of 871.74 feet, a delta angle of 18°28'17" and an arc length of 239.30 feet to a point;
- 2) Thence N 32°10'20" W 375.83 feet to a point;
- 3) Thence N 34°11'20" W 312.87 feet to a point, said point being the Point and Place of Beginning, containing 0.111 Acres, more or less.

Parcel 2:

SECTION 1 of a point on the southern boundary of the right of way line of Courthouse Road (A.S. Route 103) and point being 472.47 feet east of the point of intersection of the eastern boundary of the right of way line of County Drive (A.S. Route 462), thence proceeding along the southern boundary of the right of way line of Courthouse Road in a northeasterly direction along a curve to the right having a radius of 1562.02 feet, a delta angle of 37°42'33" and an arc length of 1051.17 feet to a point;

Thence being the southern boundary of the right of way line and proceeding in a northeasterly direction the following eight (8) courses and distances:

- 1) S 48°37'48" E 142.25 feet to a point;
- 2) Thence along a curve to the right having a radius of 293.84 feet, a delta angle of 60°24'30" and an arc length of 308.84 feet to a point;
- 3) Thence S 79°22'58" E 111.20 feet to a point;
- 4) Thence N 38°45'54" E 386.82 feet to a point;
- 5) Thence S 37°25'07" E 491.20 feet to a point;
- 6) Thence N 38°44'24" E 314.24 feet to a point;
- 7) Thence S 30°25'38" E 1541.24 feet to a point;
- 8) Thence S 21°37'27" W 643.29 feet to a point on the northern boundary of the right of way line of the I-265 Exit Ramp.

Thence proceeding along the northern boundary of the right of way line of the I-265 Exit Ramp in a northeasterly direction the following two (2) courses and distances:

- 1) S 82°05'33" W 233.85 feet to a point;
- 2) Thence along a curve to the right having a radius of 871.74 feet, a delta angle of 34°32'27" and an arc length of 591.47 feet to a point;

Thence being the northern boundary of the right of way line of the I-265 Exit Ramp and proceeding in a northeasterly direction the following seven (7) courses and distances:

- 1) N 37°28'54" E 312.30 feet to a point;
- 2) Thence along a curve to the left having a radius of 628.00 feet, a delta angle of 28°43'31" and an arc length of 453.98 feet to a point;
- 3) Thence N 34°15'11" W 422.94 feet to a point;
- 4) Thence along a curve to the left having a radius of 548.81 feet, a delta angle of 15°31'16" and an arc length of 143.28 feet to a point;
- 5) Thence along a curve to the right having a radius of 548.81 feet, a delta angle of 28°20'30" and an arc length of 371.51 feet to a point;
- 6) Thence along a curve to the left having a radius of 217.20 feet, a delta angle of 80°24'30" and an arc length of 223.52 feet to a point;
- 7) Thence S 42°07'52" W 243.35 feet to a point, said point being the Point and Place of Beginning, containing 0.1233 Acres, more or less.

SEVERAL part of the property conveyed to Diamond Park, LLC, a Virginia limited liability company, by deed from Roy E. Lewis and Helen P. Lewis, husband and wife, dated February 11, 2002, and recorded February 15, 2002, in the Clerk's Office, Circuit Court, Prince George County, Virginia, as Instrument No. 080000006, and also recorded in the Clerk's Office, Circuit Court, City of Petersburg, Virginia, as Instrument 080000071.

**Old Republic Title Insurance Company
Schedule B - Commitment No. 21021101**

(Referenced by corresponding number in Commitment)

- ① Easement granted to American Telephone and Telegraph Company of Virginia by instrument dated February 21, 1908, and recorded April 15, 1908, in Deed Book 45, page 232 (Prince George). May or may not affect, exact location could not be determined.
- ② Easement granted to American Telephone and Telegraph Company of Virginia by instrument dated February 21, 1908, and recorded April 21, 1908, in Deed Book 31L, page 469 (Prince George). May or may not affect, exact location could not be determined.
- ③ Easement granted to Chesapeake Natural Gas Corporation by instrument dated October 25, 1932, and recorded November 1, 1932, in Deed Book 11L, page 57 (Prince George). May or may not affect, exact location could not be determined. Instrument is intended in nature.
- ④ Easement granted to The Chesapeake and Potomac Telephone Company of Virginia by instrument dated April 24, 1982, and recorded June 18, 1982, in Deed Book 194, page 896, and plat recorded in Plat Book 13, page 132 (Prince George). May or may not affect, exact location could not be determined. No evidence of overhead wires as depicted on plat.
- ⑤ Easement granted to The Chesapeake and Potomac Telephone Company of Virginia by instrument dated April 24, 1982, and recorded June 18, 1982, in Deed Book 194, page 896, and plat recorded in Plat Book 13, page 132 (Prince George). May or may not affect, exact location could not be determined. No evidence of overhead wires as depicted on plat.
- ⑥ Intentionally deleted.
- ⑦ Intentionally deleted.
- ⑧ Unlawful encumbrance established by Certificate of Title C-31179 dated October 26, 1981, and recorded January 31, 1982, in Deed Book 302, page 176, and plat recorded in Deed Highway Plat Book 2, page 64-67 (Prince George) January 21, 1982, in Deed Book 421, page 703, and plat recorded in Deed Highway Plat Book 2, pages 262-263 (Petersburg). Plat and shown herein - listed as the subject of property line on survey.
- ⑨ Terms and conditions of deed from Veterans, Inc., by Deed Book 343, page 655, (Prince George) and October 4, 1981, in Deed Book 481, page 382, (Petersburg). Instruments are plat and shown herein.
- ⑩ Terms, covenants, conditions, easements, obligations and prohibitions contained in Easement Agreement and Surface Easement Easement Agreement between Veterans, Inc. and Shadrach's Corporation dated September 25, 1997, and recorded October 7, 1997, in Deed Book 343, page 651, (Prince George) and recorded October 6, 1997, in Deed Book 421, page 400 (Petersburg). Instruments are plat and shown herein.
- ⑪ Terms, covenants, conditions, easements, obligations and prohibitions contained in Easement Agreement between Development Associates Prince George, LLC, and Diamond Park, LLC dated February 25, 2011, and recorded February 25, 2011, as Instrument 130000841 (Prince George). Instruments are plat and shown herein.
- ⑫ Terms, covenants, conditions, easements, obligations and prohibitions contained in Easement Agreement between Development Associates Prince George, LLC, and Diamond Park, LLC dated February 25, 2011, and recorded February 25, 2011, as Instrument 130000841 (Prince George). Sign statement of Mayor Roy Lewis statement plat and shown herein.
- ⑬ Easement granted to Virginia Electric and Power Company by instrument dated August 26, 2012, and recorded September 24, 2012, as Instrument 130000425. Instruments are plat and shown herein.
- ⑭ The following matters shown on plat recorded in Plat Book 5, page 28, (Prince George) and Plat Book 18, page 205 (Petersburg): a. City Line (as affected by Plat Book 25, page 20-Prince George) a. 20' R/W (as shown on Plat 106 and 107 20' 462) of Current City/County Line plat and shown herein. b. Plat and shown herein.
- ⑮ The following additional matters shown on plat recorded in Plat Book 25, page 190: a. Slough Way (partial), variable width access easement and utility variable with access easement. b. Various utility utility lines. The Instruments are plat and shown herein.

Zoning

General Zoning:
Prince George County B-1 (General Business District)
City of Petersburg B-3 (General Commercial District)

(Prince George) B-1 Suburban

Front Yard 25 Feet from Street with 50% Right of Way
35 Feet from Street with 45% Right of Way
Side Yard 10 Feet 10 Feet if adjoining a Residential Agricultural District
Rear Yard: None Setback

Minimum Height: 8.00 Feet

(City of Petersburg) B-3 Suburban

Front Yard: None
Side Yard: 12 Feet opposite lot, 5 minimum feet if adjoining a Residential District
Rear Yard: 25 Feet
Minimum Height: 45 Feet or 3 Stories

WARNING TO BE VIEWED BY ZONING COMMISSION LETTER

Existing Parking

No dedicated spaces

For further identification of Zoning Requirements - Contact:

Prince George County Planning and Zoning Division
9622 Courty Drive
Prince George, VA 23173
(804) 721-2676

City of Petersburg Planning Department
125 North Union Street
Petersburg, VA 23201
(804) 721-2328

Flood Certification

I have consulted the Flood Insurance Rate Study for the City of Petersburg, Virginia Community Panel (0110115-003-C, effective date February 4, 2011) and Prince George County Community Panel (011480-0105-B, effective date May 18, 2012) and hereby certify to the best of my professional knowledge that the subject property is not located in a Special Flood Hazard Area, nor is it located in Zone X as determined by National Flood Insurance Program, Federal Emergency Management Agency, Department of Housing and Urban Development.

Surveyor's Certificate

This survey is certified to and prepared for the sole and exclusive benefit of the parties and/or individuals listed below as of 06/02/2012 and shall not be relied upon by any other party or individual whatsoever.

TO: LINDBERT DEVELOPMENT, LLC, a Virginia limited liability company;
BY: OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 American Standard Detail Requirements for ALTA/ACSM Land Title Surveys, fully established and adopted by ALTA and NSPS and include Items 1-4, 6(a), 7(a), 8, 9, 11, 12, 16, 17, 18 and 19 of Item 4 thereof. The finished map completed on July 25, 2012.

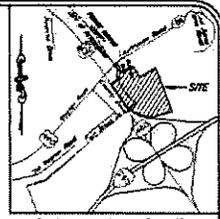
[Signature]
Rodney B. Shadrach, L.S. 00774
Shadrach & Associates, LLC

06/02/2012
Date



I hereby certify that this boundary survey, to the best of my professional knowledge and belief, is correct and complies with the minimum procedures and standards established by the Virginia State Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects.

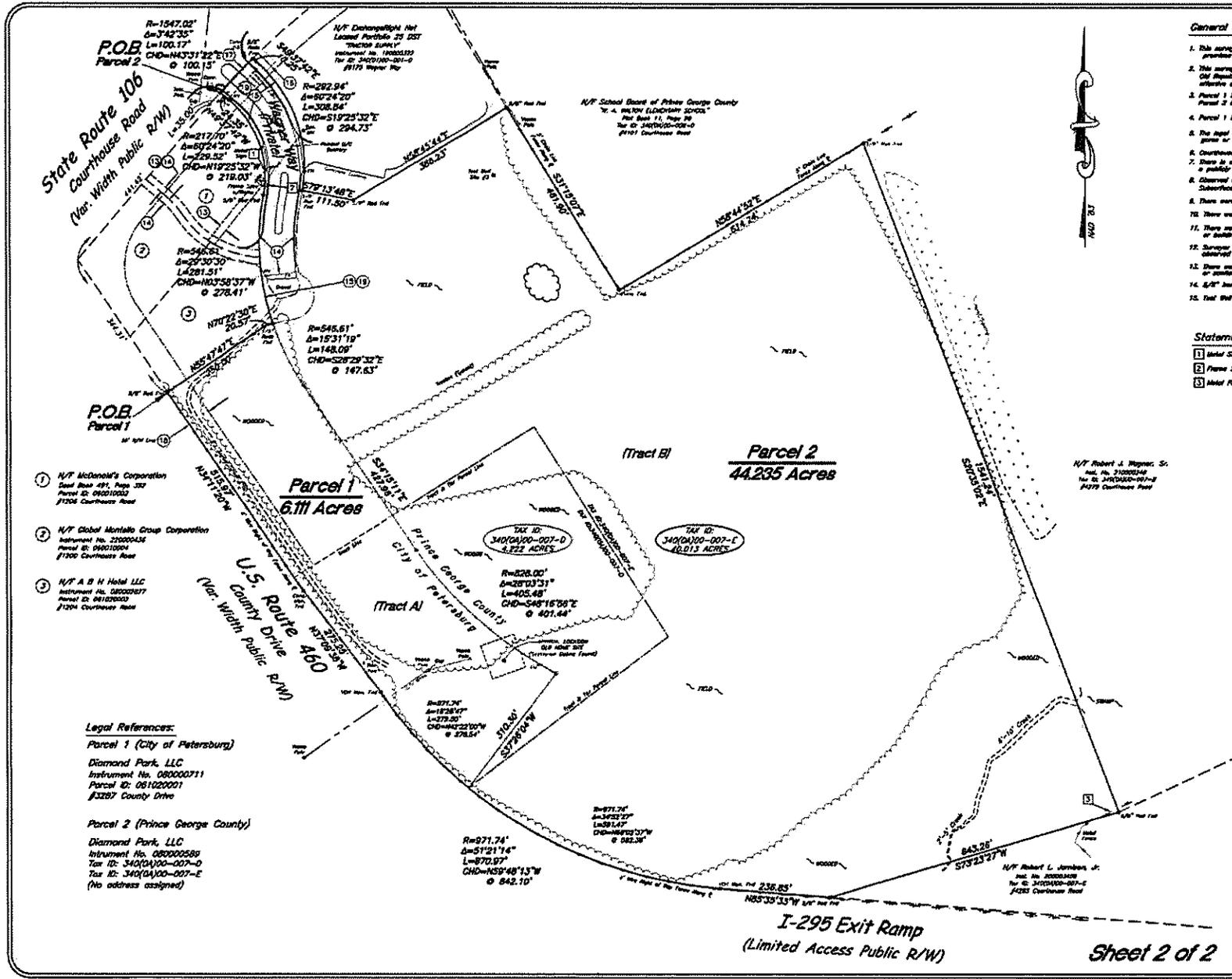
Sheet 1 of 2



ALTA/NSPS LAND TITLE SURVEY
SHOWING EXISTING IMPROVEMENTS
TO TWO PARCELS OF LAND SITUATED ON
THE NORTH LINE OF U.S. ROUTE 460
RIVES DISTRICT, PRINCE GEORGE COUNTY
AND CITY OF PETERSBURG, VIRGINIA
DATE AUGUST 1, 2012

100 0 100 200 300
Scale: 1"=100'

Shadrach & Associates LLC
LAND SURVEYING
408 Lakeside Blvd., Suite 104 & 106, Petersburg, VA 23201
Phone: (804) 721-2328 Fax: (804) 721-2329



- General Notes**
- This survey plat represents a current and accurate field transit survey of the premises shown herein. Date of field physical survey: July 25, 2022.
 - This survey is of the same property as described in this Report issued by Old Republic Title Insurance Company (Contracted No. 21021103) with an effective date June 8, 2022, last revised June 28, 2022.
 - Parcel 1 is located entirely in the City of Petersburg. Parcel 2 is located entirely in Prince George County.
 - Parcel 1 is contiguous with Parcel 2.
 - The legal description herein is a mathematically closed figure with no gaps, gaps or overlaps.
 - Courthouse Road, County Drive, is Interstate 295 are public roads.
 - There is strict vehicular access to the subject property from Courthouse Road, a publicly dedicated right of way.
 - Clearing activities are planned and shown herein. Subsequent utility delineation was not performed.
 - There were no delineated utilities observed on site.
 - There was no evidence of encroachment of the line of the survey.
 - There was no observed evidence of current earth moving, building construction or existing easements.
 - Surveyor is not aware of any proposed changes to the street right of way and therefore no evidence of future street or address renumbering is shown.
 - There was no observed evidence of the site use as a water table, dam, pump or quarry facility.
 - 6-1/2" Iron Rebar or P-1 Nails set of all corners unless otherwise shown herein.
 - That the Site ID shown herein was set by purchaser as part of site investigation.

- Statement of Encroachments**
- Metal Sign encroaches 0.70 feet onto Subject Property
 - Frame Shed and Ramp encroaches 6.33 feet onto Subject Property
 - Metal Fence encroaches 0.11 feet onto Subject Property

ALTA/NPS LAND TITLE SURVEY
SHOWING EXISTING IMPROVEMENTS
TO TWO PARCELS OF LAND SITUATED ON
THE NORTH LINE OF U.S. ROUTE 460
RIVES DISTRICT, PRINCE GEORGE COUNTY
AND CITY OF PETERSBURG, VIRGINIA

DATE: AUGUST 1, 2022

100 0 100 200 300
Scale: 1"=100'

Shadrach & Associates LLC
LAND SURVEYING
10000 Shadrach Lane, Suite 100, Petersburg, VA 23203
Phone: 804-624-2888 • Fax: 804-624-1747

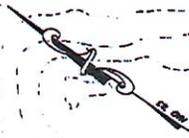
\\rk\k\m\1\Draw\Projects\2021\2101_Rivings\CA00\Construction\Drawings\CA00.dwg, 8/22/2023, 1:15:00 PM by -----

State Route 106
Courthouse Road
(Var. Width Public R/W)

Wagner Way (Private)

U.S. Route 460
County Drive
(Var. Width Public R/W)

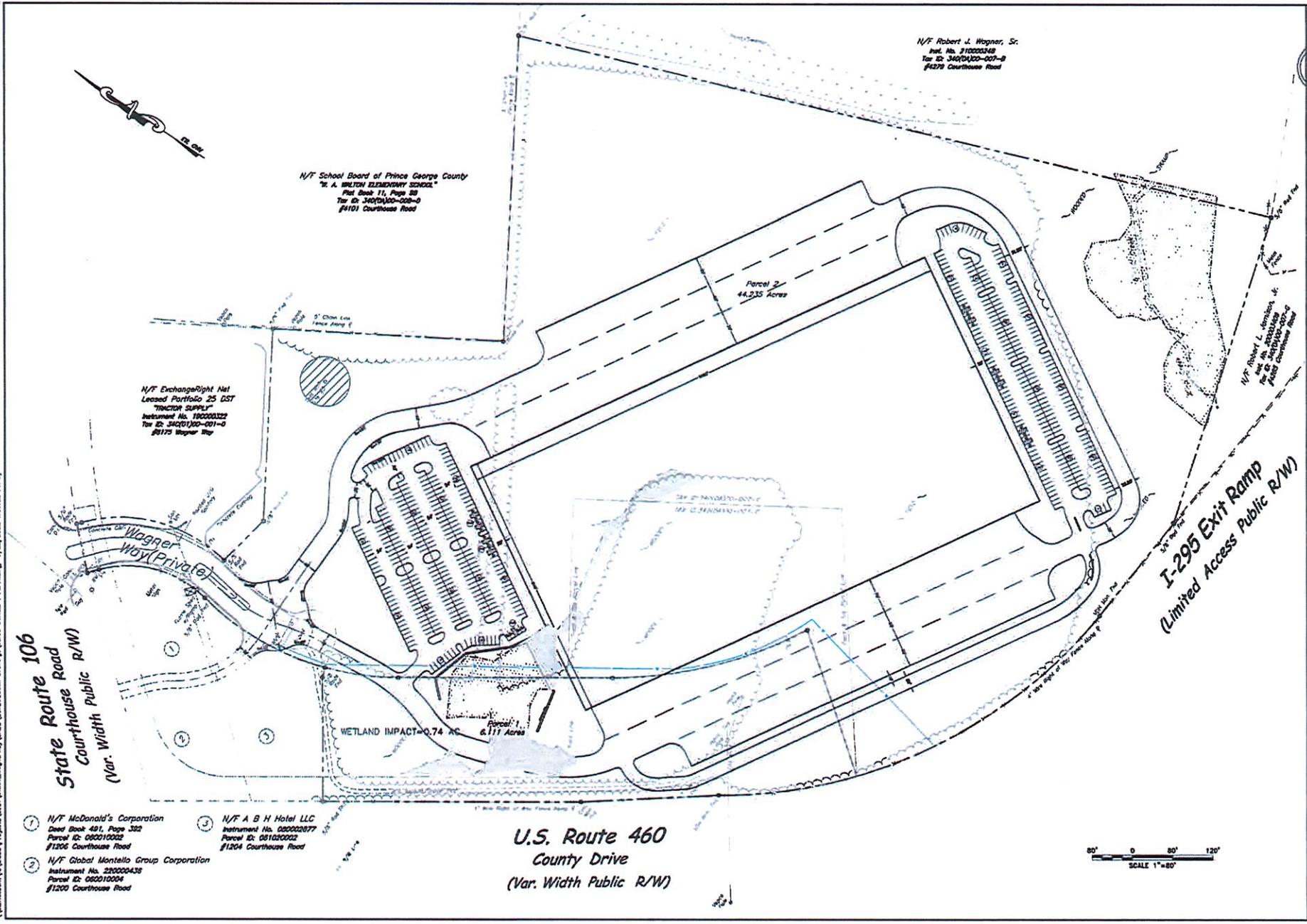
I-295 Exit Ramp
(Limited Access Public R/W)



DATE: 02/25/2022	ENGINEER: _____	WAGNER WAY PRINCE GEORGE COUNTY, VA - RIVES DISTRICT	SHEET	PLAN REVISIONS -
	CHECKED: _____		C3.00	
	CAD: _____	GRADING PLAN	SCALE	
	JOB#: 200004-XX		1"=60'	

ARK&K
 P. PAUL WOOD
 2105 E. Cary St., Suite 101 | Richmond, VA 23223
 Engineers | Geotechnical Engineers | Surveyors | Scientists
 www.ark.com
 Registration: Professional Engineer | License: 15438

\\atl01\apps\va\Draw\Projects\2021\WagnerWay\CD\Conceptual\Drawings\CD_000001_Plan.dwg 8/22/2022 1:09:28 PM by



- 1 N/F McDonald's Corporation
Deed Book 491, Page 382
Parcel ID: 060010002
#1206 Courthouse Road
- 2 N/F Global Montello Group Corporation
Instrument No. 220000438
Parcel ID: 060010004
#1200 Courthouse Road
- 3 N/F A B H Hotel LLC
Instrument No. 020002877
Parcel ID: 061020002
#1204 Courthouse Road

**U.S. Route 460
County Drive**
(Var. Width Public R/W)



N/F Robert J. Wagner, Sr.
Invt. No. 210000348
Tax ID: 3400432-000-9
#4279 Courthouse Road

N/F School Board of Prince George County
"A. WILTON ELIZABETH WOODS"
Plat Book 11, Page 28
Tax ID: 3400432-000-9
#4101 Courthouse Road

N/F ExchangeRight Net
Leased Portfolio 25 GST
"TRACTOR SUPPLY"
Instrument No. 180000322
Tax ID: 3400432-001-0
#1173 Wagner Way

I-295 Exit Ramp
(Limited Access Public R/W)

PLAN REVISIONS	
SHEET	C2.00
SCALE	1"=80'
WAGNER WAY PRINCE GEORGE COUNTY, VA - RIVES DISTRICT CONCEPT PLAN	
DATE: 8/25/2022	
ENGINEER:	
CHECKED:	
CAD:	
JOB#	XXXXX-KK
 AK&X 2101 E. Cary R. Suite 200 (Fairwood) VA 22031 Engineers Construction Managers Planners Scientists www.akx.com Inspiring People Creating Solutions	

**SPECIAL LIMITED POWER OF ATTORNEY
LAND USE APPLICATIONS**

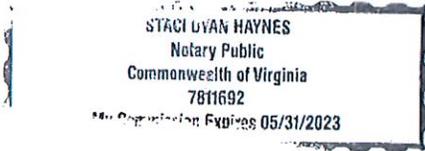
KNOW ALL MEN BY THESE PRESENTS, that **DIAMOND PARK, LLC** has made, constituted and appointed, and by these presents do hereby make, constitute and appoint **ANDREW M. CONDLIN OR KIMBERLY M. LACY**, either of whom may act, our true and lawful attorney-in-fact (whether one or more, the "Attorney"), to act as our true and lawful attorney-in-fact in our name, place and stead with such full power and authority we would have, if acting personally, to file all such applications (whether one or more, the "Application") required by the City of Petersburg, Virginia (the "City"), with respect to that certain real property currently owned by the undersigned, such real estate being located in the City, situated along Route 460, containing approximately 6.111 acres, and designated in the Real Estate Assessment Records of the City as Tax Parcel 061020001, including, but not limited to, a pre-application form and application to rezone the properties. Our said Attorney is also authorized and directed to sign, seal, acknowledge and deliver all such documentation and consents as required for the Application, and to do, execute and perform all and every other act or acts, thing or things in law needful and necessary to be done as required for the Application and related to the Property, as fully as we might or could do if acting personally.

The undersigned hereby confirm all lawful acts done by our Attorney pursuant to this Special Limited Power of Attorney. We further declare that as against ourselves or persons claiming under us, everything which our Attorney shall do pursuant to this Special Limited Power of Attorney shall be valid and binding in favor of any person or entity claiming the benefit hereof who has not received actual written notice that this Special Limited Power of Attorney has been revoked.

This authorization shall continue until it is otherwise rescinded or modified.

WITNESS the following signatures and seals this 10th day of November, 2022.

DIAMOND PARK, LLC



By: *Amratlal R. Patel* (SEAL)
Name: Amratlal R. Patel
Its: Member

COMMONWEALTH OF VIRGINIA

CITY/CITY OF Mechanicville to-wit:

The foregoing instrument was acknowledged before me in my jurisdiction aforesaid by

Amratlal R. Patel, as Member of Diamond Park, LLC, on this
10th day of November, 2022.

Staci Dyan Haynes
Notary Public
My Commission expires: 5/31/22
My Registration No.: 7811692



City of Petersburg
Development Review - Meeting Request Form

Consultant: MALACHI MILLS, PE
Phone Number: 804-240-1488
Email Address: mmillse@rkk.com

Developer: LINGERFELT DEVELOPMENT (John Mason)
Phone Number: 804-270-0015
Email Address: jmason@lingerfelt.co

Site Plan Meeting Type Request (Please Check One):

X Preliminary Meeting Site Plan Meeting

Site Information:

Project Name: WAGNER WAY INDUSTRIAL CENTER
Proposed Use: Warehouse/Distribution/Light Industrial/Manufacture
Property Zoning: B-2 Zoning Case/Approval Date (if applicable): unknown

Required Information:

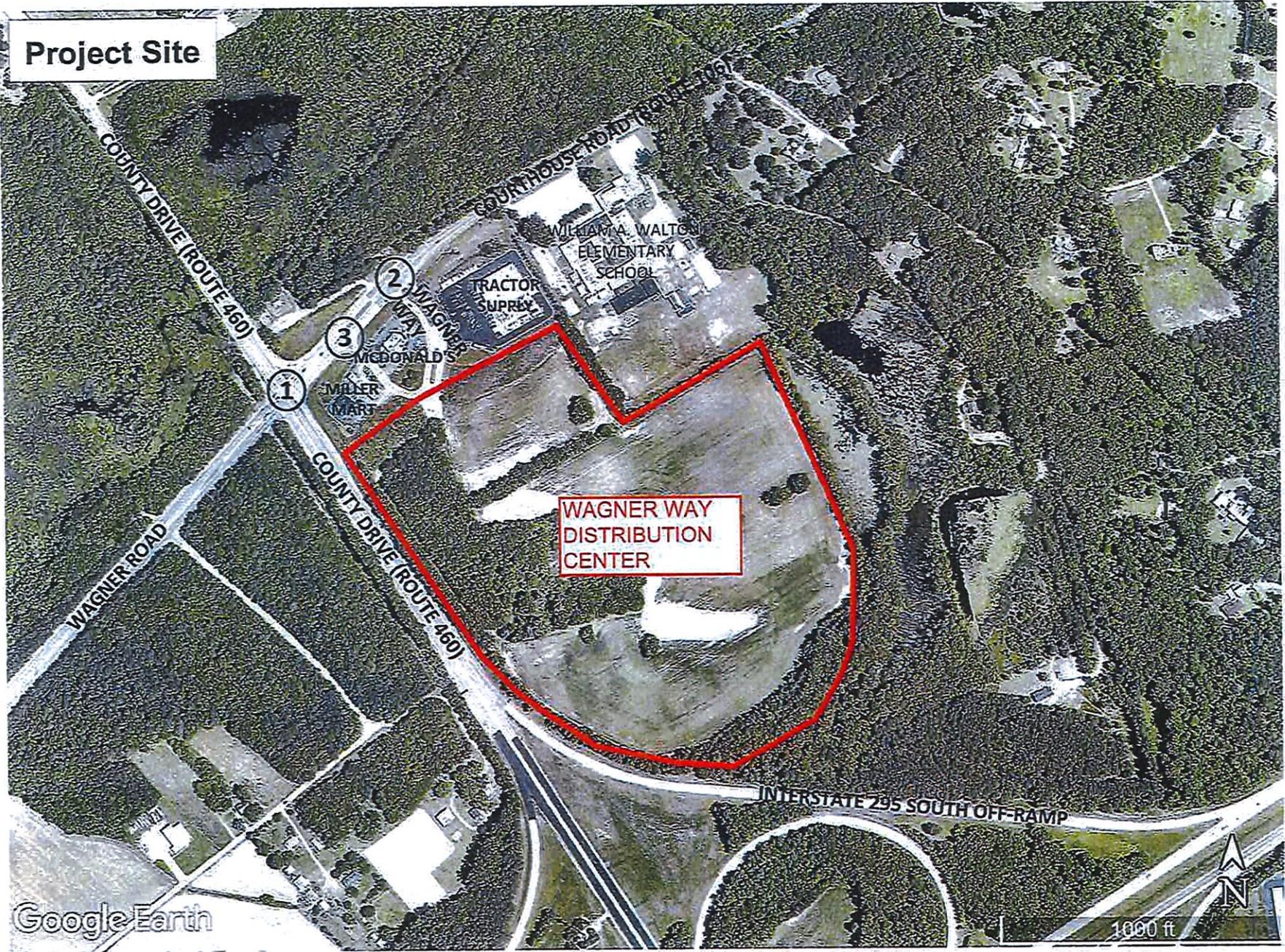
Tax Map Number(s): 06 102 0001
Site Address (if Assigned): 3287 COUNTY DRIVE
Name of Property Owner: DIAMOND PARK, LLC
Address: 8901 Brook Rd Glen Allen, VA 23060
Phone: 804-347-7189 or 804-426-4800
Email Address: arp.investmentsandloans@gmail.com

THE DESIGN CONSULTANT MUST BE PRESENT AT THE SITE PLAN MEETING

Meeting Date: 3/24 or 3/30 Meeting Time: 9:30-11:30

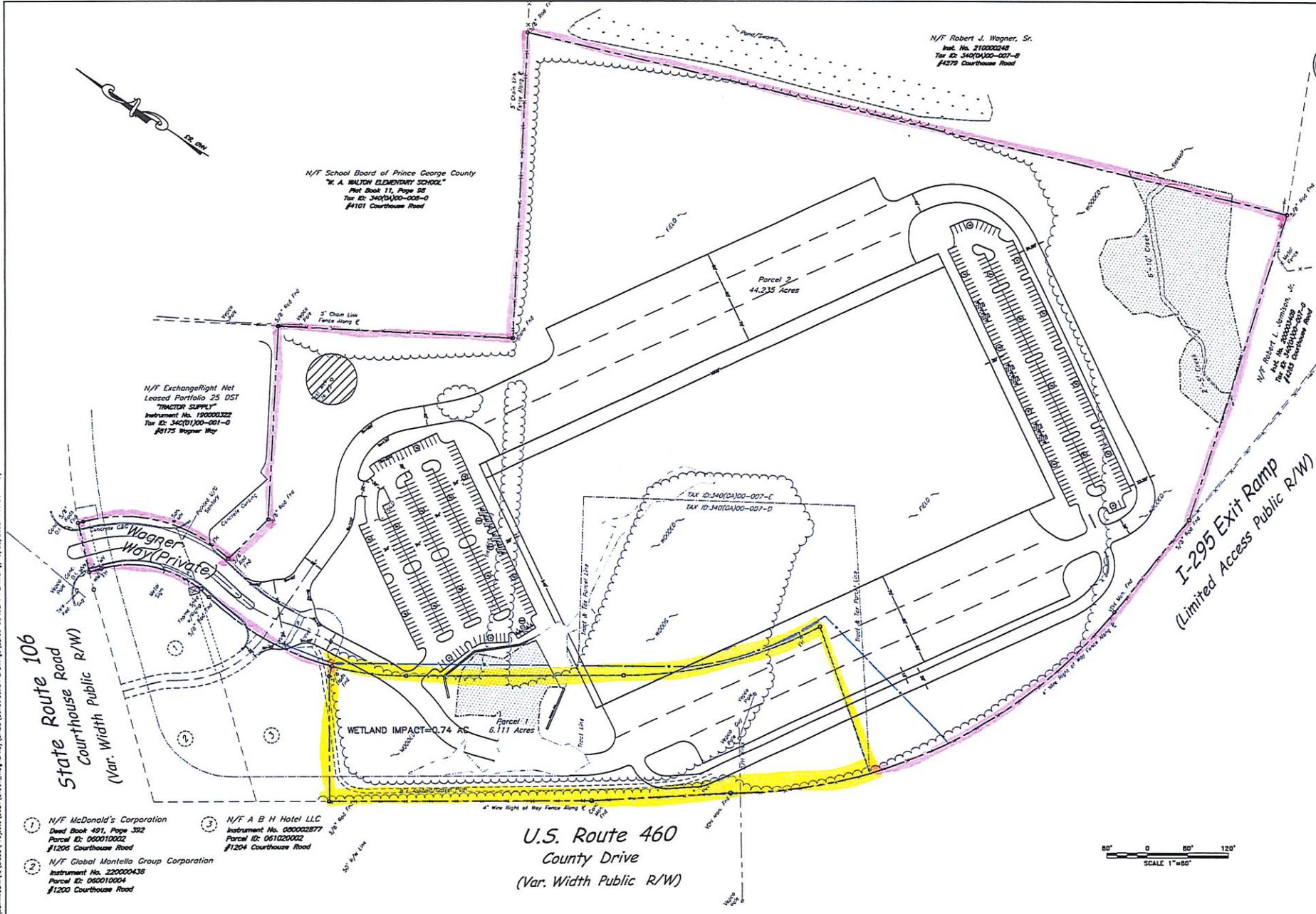
To request a Development Review Meeting, please complete and submit this form to the Department of Planning and Community Development by postal mail: 135 N Union Street, Petersburg, VA 23803 or email: pcd@petersburg-va.org. Meetings are held every Thursday (except the 3rd Thursday of each month) between 9:30 a.m. and 11:30 a.m. If you have preliminary sketches or plans, please provide an electronic copy in an 8 1/2" x 11" pdf format, on or before the Monday prior to your scheduled meeting. Please contact the Department of Planning and Community Development at (804) 733-2308 if you would like additional information. The Department Office hours are: Monday through Friday, except State Holidays, from 8:30 a.m. to 5:00 p.m.

Project Site



Google Earth

\\vafile01\va\County\Projects\2021\210791 - Wagner Way\GIS\Construction_Drawing\NC2.00_CONCEPT_Plan.dwg/ 9/22/2022 1:09:28 PM by -----



PLAN REVISIONS -	
SHEET	C2.00
SCALE	1"=80'
WAGNER WAY PRINCE GEORGE COUNTY, VA - RIVES DISTRICT	
CONCEPT PLAN	
DATE: 07/25/2022	JOB #: XXXXX-XX
ENGINEER: _____	
CHECKED: _____	
CAD: _____	

RK&K
 2102 E. City & State 309 Richmond, VA 23223
 Engineers | Construction Management | Planning | Easements
 www.rk.com
 Registered Professional Civil and Structural Engineers



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

Stephen C. Brich, P.E.
Commissioner

1401 East Broad Street
Richmond, Virginia 23219

(804) 786-2701
Fax: (804) 786-2940

March 16, 2023

Andre M. Greene
Planner II - Prince George County Community Development
P.O. Box 68
Prince George, VA, 23875

**SUBJECT: TIA-23-04 Wagner Way Distribution Center
SR 106 Courthouse Road and Wagner Way (not state maintained)**

Dear Mr. Greene:

The Virginia Department of Transportation, Southern Region Land Development Office has reviewed the supplemental information dated 3-13-23 received at the Petersburg Residency on 3-14-23 by email in response to VDOT comments issued on 2-24-23. VDOT has reviewed the submitted information and determined that it addresses VDOT's concerns about differing land use codes and whether overall trip generation rates will exceed 5,000 VPD. The information demonstrates that the land use code (LUC) chosen by the applicant generates more traffic than any of the LUCs suggested by VDOT. Accordingly, the original TIA findings are valid that the project will have no adverse impact on the adjacent roadways and VDOT finds the TIA acceptable.

If you have any questions please feel free to contact me at 804-874-9309 or by email, Paul.Hinson@VDOT.Virginia.gov

Sincerely,

A handwritten signature in black ink, appearing to read "Paul F. Hinson".

Paul F. Hinson, P.E.
Southern Region Land Use Engineer

Cc: Crystal Smith, VDOT
Dianna Bryant, VDOT
Todd Cage, VDOT
Andrew M. Condlin, Agent
Malachi Mills, P.E., RK&K



MEMORANDUM

2100 E. Cary Street
 Suite 309
 Richmond, VA 23223
 Phone 804.782.1903
 Fax 804.782.2142
 www.rkk.com

Date: March 13, 2023
To: Mr. Paul Hinson, PE, Southern Region Land Use Engineer
From: RK&K
RK&K #: 21291
Re: Supplement to the Traffic Summary (dated 2/3/2022) for Wagner Way Distribution Center, Petersburg, VA / Prince George County, VA

This supplement is in response to the VDOT review/comment letter dated February 24, 2023. "Comment 1" was to evaluate optional land use codes (LUC) that may occupy the proposed facility and determine if the February 3, 2022, traffic summary required trip generation modification.

Our February 2022 traffic summary used LUC 110 "General Light Industrial" for trip generation data. See Table 1 for the comparison with the VDOT suggested LUC 150, 154, and 155. We combined "sort" and "non-sort" facilities for LUC 155 for this comparison. The ITE studies for LUC 155 are limited and for much larger buildings. The comparison table shows that the applicable daily, AM peak, and PM peak trip generation rates for LUC 110 are much higher or generally close to the suggested options.

In conclusion, it appears that LUC 110 is a responsible basis of data for the initial traffic summary study and results.

Table 1

LAND USE:	GENERAL LIGHT INDUSTRIAL			WAREHOUSING			HIGH-CUBE TRANSLOAD AND SHORT-TERM STORAGE WAREHOUSE			HIGH-CUBE FULFILLMENT CENTER WAREHOUSE - AVERAGE SORT/NON-SORT		
	TOTAL	ENTERING	EXITING	TOTAL	ENTERING	EXITING	TOTAL	ENTERING	EXITING	TOTAL	ENTERING	EXITING
LAND USE CODE:	110			150			154			155		
WEEKDAY VEHICLE TRIPS	2679	1339	1340	941	470	471	770	385	385	2269	1135	1135
AVERAGE RATE:	2679	1339	1340	941	470	471	770	385	385	2269	1135	1135
FITTED CURVE:	2118	1059	1059	907	454	453	-	-	-	926	463	463
AM PEAK HOUR VEHICLE TRIPS	407	358	49	94	72	22	44	34	10	281	228	54
AVERAGE RATE:	407	358	49	94	72	22	44	34	10	281	228	54
FITTED CURVE:	378	332	46	90	69	21	-	-	-	-	-	-
PM PEAK HOUR VEHICLE TRIPS	358	50	308	99	28	71	55	15	40	374	146	229
AVERAGE RATE:	358	50	308	99	28	71	55	15	40	374	146	229
FITTED CURVE:	137	19	118	92	26	66	-	-	-	-	-	-

PER ITE'S TRIP GEN MANUAL, 11TH EDITION

AM PEAK HOUR: PEAK HOUR OF ADJACENT STREET TRAFFIC, ONE HOUR BETWEEN 7 AND 9 A.M.

PM PEAK HOUR: PEAK HOUR OF ADJACENT STREET TRAFFIC, ONE HOUR BETWEEN 4 AND 6 P.M.



MEMORANDUM

2100 E. Cary Street
Suite 309
Richmond, VA 23223
Phone 804.782.1903
Fax 804.782.2142
www.rkk.com

Date: February 3, 2022
To:
From: RK&K
RK&K #: 21291
Re: Wagner Way Distribution Center Traffic Summary, Petersburg, VA / Prince George County, VA

This traffic memo summarizes traffic data collection, trip generation, trip distribution, and turn lane warrant analyses for the Wagner Way Distribution Center. The distribution center site is bounded by Wagner Way off Courthouse Road (Route 106) and existing commercial businesses to the north, County Drive (Route 460) to the west, and the Interstate 295 South off-ramp to the south. See Appendix A for an area map.

INTERSECTION TURNING MOVEMENT COUNTS

RK&K collected intersection turning movement counts at the following three intersections on January 11, 2022 from 4:00-6:00 PM (afternoon peak) and on January 12, 2022 from 7:00-9:00 AM (morning peak).

1. Courthouse Road (Route 106) / Wagner Road and County Drive (Route 460)
2. Courthouse Road (Route 106) and Wagner Way
3. Courthouse Road (Route 106) and the Miller Mart / BP Gas Station and McDonald's Access Road Right-in / Right-out

All intersection turning movement count data is attached to this memo and found in Appendix B.

TRIP GENERATION

The Wagner Way Distribution Center is planned to be 550,000 SF. Trip generation numbers for daily, AM peak and PM peak were calculated from the ITE Trip Generation Manual, 11th Edition as follows (*Land Use #110 General Light Industrial*):

Daily	2,118 VPD	(1,059 in / 1,059 out)
AM Peak	378 VPH	(332 in / 46 out)
PM Peak	138 VPH	(19 in / 119 out)

ITE trip generation equations and calculations are attached to this memo and found in Appendix C.

TRIP DISTRIBUTION

For trip distribution, RK&K assumed the following directional splits for the Wagner Way Distribution Center generated trips in both the AM and PM peaks:

- 90% to and from Wagner Way and points west,
 - 35% to and from Wagner Road and points west (including I-95),
 - 35% to and from County Drive / Route 460 and points south (including I-295),
 - 20% to and from County Drive / Route 460 and points north
- and 10% to and from Wagner Way and points east.

Trip distribution figures are attached to this memo and can be found in Appendix D.

TURN LANE WARRANT ANALYSES

RK&K evaluated right and left turn lane warrants with and without the Wagner Way Distribution Center generated traffic. See Appendix E for the turn lane warrant analysis charts. It should be noted that for this high-level traffic analysis evaluation, no reductions were made for internal capture and only the raw calculated trip generation numbers were used.

The following summarizes findings at each of the two studied intersections:

Courthouse Road (Route 106) / Wagner Road and County Drive (Route 460) – The existing intersection is a traffic signal with established turn lanes for all left and right turn movements. Based on evaluations during traffic data collection, the intersection functions adequately during AM and PM peak periods. The three primary inbound movements related to Wagner Way Distribution Center are the Wagner Road eastbound through, the County Drive (Route 460) southbound left, and the County Drive (Route 460) northbound right. The northbound right is approximately 200' of storage with a 200' taper, and the southbound left is approximately 200' of storage with a 200' taper. The three primary outbound movements related to Wagner Way Distribution Center are the Courthouse Road (Route 106) westbound through, left turn and right turn movements. The westbound right is a free-flowing channelized right turn. The westbound left is approximately 150' of storage with a 115' taper.

In terms of vehicles per hour, the distribution center generates 116 VPH for the eastbound through, 116 VPH for the northbound right, 67 VPH for the southbound left, 16 VPH for the westbound left, 16 VPH for the westbound through and 9 VPH for the westbound right, in the AM peak hour. In the PM peak hour, the site generates 7 VPH for the eastbound through, 7 VPH for the northbound right, 3 VPH for the southbound left, 42 VPH for the westbound left, 42 VPH for the westbound through and 23 VPH for the westbound right.

Based on evaluation of turn lane warrants for the northbound right at the intersection, the existing traffic (without Wagner Way Distribution Center) warrants a taper; and the existing + proposed traffic warrants a full width turn lane and taper. The existing intersection has a full width turn lane and taper already with adequate storage and taper distances (200' of storage and 200' of taper) so no additional infrastructure is needed.

Based on evaluation of turn lane warrants for the southbound left at the intersection, the existing traffic (without Wagner Way Distribution Center) warrants a left turn with at least 50' of storage; and the existing + proposed traffic warrants a left turn lane with at least 100' of storage distance. The existing intersection has a full width turn lane and taper already with adequate storage and taper distances (of 200' storage and 200' taper for the southbound left) so no additional infrastructure is needed.

Courthouse Road (Route 106) and Wagner Way – Existing Intersection is unsignalized with established turn lanes for the eastbound right and westbound left from Courthouse Road (Route 106) onto Wagner Way. The right turn lane is approximately 280' of full width turn lane with an 80' taper, beginning at the right-in for the Miller Mart / BP Gas Station and McDonald's access road to the intersection with Wagner Way. The left turn is approximately 100' of storage with a 200' taper. Wagner Way does not currently have separate, designated left and right turn lanes but one wide (~23'-24') travel lane for northbound Wagner Way.

In terms of vehicles per hour, Wagner Way Distribution Center generates 299 VPH for the eastbound right, 33 VPH for the westbound left, 41 VPH for the northbound left and 5 VPH for the northbound right, in the AM peak hour. In the PM peak hour, the distribution center generates 17 VPH for the eastbound right, 2 VPH for the westbound left, 107 VPH for the northbound left and 12 VPH for the northbound right.

Because the eastbound right turn lane is used for traffic turning right at the Miller Mart / BP Gas Station and McDonald's access road and for the traffic turning right at Wagner Way, the right turn lane warrant analysis includes the eastbound right turning traffic volume onto the access road along with the eastbound traffic volume at Wagner Way. Turn lane warrant analysis for the eastbound right at the intersection indicates that the existing traffic (without Wagner Way Distribution Center) warrants a full width turn lane and taper. The existing intersection has a full width right turn lane and taper already with approximately 280' of storage and 80' of taper.

Turn lane warrant analysis for the westbound left at the intersection indicates that neither the existing traffic (without Wagner Way Distribution Center) or the existing + proposed traffic require a turn lane. The existing intersection has a full width left turn lane and taper already with approximately 100' of storage and 200' of taper so no additional infrastructure is needed.

To summarize all the turn lane warrant findings, there are three turn lane warrants that were found:

- With Wagner Way Distribution Center, a full width northbound right turn lane storage and taper at Courthouse Road (Route 106) / Wagner Road and County Drive (Route 460) is required. A full

width right turn lane with approximately 200' of storage and 200' of taper is currently provided; therefore, no additional infrastructure is needed.

- With Wagner Way Distribution Center, a full width southbound left turn lane with at least 100' of storage at Courthouse Road (Route 106) / Wagner Road and County Drive (Route 460) is required. A full width left turn lane with approximately 200' of storage and 200' of taper is currently provided; therefore, no additional infrastructure is needed.
- With and without Wagner Way Distribution Center, a full width eastbound right turn lane storage and taper at Courthouse Road (Route 106) and Wagner Way is required. A full width right turn lane with approximately 280' of storage and 80' of taper is currently provided. This total dimension of storage and taper is 360' and a total storage and taper distance of 400' is preferred. The existing available distance is 40' less than preferred; however, based on visual observations appears to function adequately. RK&K recommends seeking approval to use the existing distances as-is.

*Refer
sted*

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PETERSBURG, AS HERETOFORE AMENDED, BY AMENDING THE DISTRICT MAP CONSTITUTING A PART OF SAID ORDINANCE, AS AMENDED, SO AS TO CHANGE CERTAIN PROPERTY FROM "A", AGRICULTURAL DISTRICT, TO "B-2(c)", GENERAL COMMERCIAL DISTRICT WITH CONDITIONS.

WHEREAS, there has been presented to the City Council of the City of Petersburg a recommendation by the Planning Commission that the Zoning Ordinance of the City of Petersburg be amended as hereinafter set forth; and

WHEREAS, a public hearing has been held at the meeting pursuant to notice thereof as required by law on the aforesaid amendment to the Zoning Ordinance; and

WHEREAS, City Council is of the opinion that the aforesaid recommendation of the Planning Commission should be adopted.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Petersburg that the Zoning Ordinance of said City, as heretofore amended, be amended further by amending the District Map constituting a part of said Ordinance, as amended, from "A", Agricultural District, to "B-2(c)", General Commercial District with conditions, the following described property:

"that certain parcel of land situated at the southeast side of the intersection of U. S. Route 460E (County Drive) and State Route 106 (Court-house Road), containing approximately fourteen (14) acres of land, currently addressed as 3287 County Drive and further identified as Tax Parcel 060-01-001;"
061-02-001

The conditions to the use of said property are as follows:

1. The property will be developed generally in accordance with that certain Tentative Plan made by J. K. Timmons & Assoc., P.C., and dated March 15, 1990.

2. The property will be used for substantive taxable improvements and not just for parking lots, landscaped areas or other similar uses which are ancillary to improvements located on adjoining property outside the City of Petersburg.

3. The property will not be used for churches, exhibits by nonprofit organizations (as a principal use), clubs or lodges, auto sales and service, machine sales and service, volunteer fire or rescue squads, circuses, carnivals or similar activities, dance halls, auto repair garages or wrecking services, commercial truck stops or adult book stores.

4. No portable signs will be used on the property.

A COPY, TESTED, Barbara A. Moore
CLERK OF COUNCIL

Inv. 3560
Envs Gov SE-23-0022

	SPECIAL EXCEPTION APPLICATION	OFFICE USE ONLY APPLICATION #: SE-23-02
	Department of Community Development and Code Compliance Planning & Zoning Division	DATE SUBMITTED: RECEIVED
	6602 Courts Drive, Prince George, VA 23875 (804) 722-8678 www.princegeorgecountyva.gov	JAN 27 2023

APPLICANT FILL-IN ALL BLANKS

REQUEST	REQUEST: A Special Exception according to Code Section 90-393 for (1) Wholesale and processing and (15) Warehouse with indoor storage		
	REQUEST PROPERTY ADDRESS / LOCATION: Courthouse Road (Route 160) and Route 460		
	REQUEST TAX MAP PIN(S): (List all) 340(OA)00-007-D and 340(OA)00-007-E	AFFECTED ACREAGE (Each parcel): 44.235	ENTIRE PARCEL (Y / N) - Each parcel: Y
	ATTACHMENTS (Check if Attached; * = Required): <input checked="" type="checkbox"/> APPLICANT STATEMENT* (Specify goals, details, etc.) <input type="checkbox"/> COMMUNITY MEETING SUMMARY <input checked="" type="checkbox"/> PROPOSED CONDITIONS <input type="checkbox"/> ADDITIONAL ATTACHMENTS: <input checked="" type="checkbox"/> SITE LAYOUT SKETCH OR CONCEPTUAL SITE PLAN * (Show proposed improvements; Use GIS or Engineer Drawing)		

LEGAL OWNER	NAME(S): Diamond Park, LLC	
	MAILING ADDRESS: (Incl. City, State, Zip): 8907 Brook Road Glen Allen, Virginia 23060	
	E-MAIL:	PHONE:

APPLICANT CONTACT	NAME(S): If different than owner): Lingerfelt Development, LLC c/o Andrew M. Condlin - Roth Jackson Gibbons Condlin, PLC	
	RELATION TO OWNER: Attorney for the Contract Purchaser	
	MAILING ADDRESS: (Incl. City, State, Zip): 1519 Summit Ave, Suite 102 Richmond, Virginia 23230	
	E-MAIL: acondlin@rothjackson.com tcraddock@rothjackson.com	PHONE: 804-977-3373 or 804-441-8606

OFFICE USE ONLY (Completed at the time of application)

ZONING DISTRICT(S): B-1	LAND USE(S) CODE REFERENCE(S):
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PAYMENT	FEE DUE: Special Exception: \$700 Special Exception Home Occ: \$350	FEE PAID:	PAYMENT TYPE: CHECK / CASH / CREDIT / DEBIT
	CHECK # / TRANSACTION #:	DATE RECEIVED:	RECEIVED BY:

OWNER AFFIDAVIT

The undersigned Property Owner(s) or duly authorized Agent or Representative certifies that this petition and the foregoing answers, statement, and other information herewith submitted are in all respect true and correct to the best of their knowledge and belief.

NAME:

Andrew M. Conclin, by Power of Attorney

NAME:

SIGNED:

[Handwritten signature]

SIGNED:

DATE:

1/26/23

DATE:

NOTARIZATION:

STATE OF VIRGINIA

CITY: Richmond
COUNTY OF: Richmond

Subscribed and sworn before me this 26th day of January, 20 23.

Notary Public

[Handwritten signature: Tracy Gibrall Craddock]

My Commission expires: Nov. 30, 20 25



Tracy Gibrall Craddock
Commonwealth of Virginia
Notary Public
Commission No. 7714399
My Commission Expires 11/30/2025

AFFIDAVIT



County of Prince George, Virginia

"A welcoming community • Embracing its rural character • Focusing on its prosperous future"

April 12, 2023

PLANNING COMMISSION - NOTICE OF PUBLIC HEARING

Dear owner, agent or occupant of each parcel that is abutting, immediately across the street or road, or within close proximity of the property affected:

This is notification that the Prince George County Planning Commission will hold a public hearing on **Thursday, April 27, 2023 beginning at 6:30 pm** to consider the following request that involves the Prince George County Zoning Ordinance:

SPECIAL EXCEPTION SE-23-02: Request of Lingerfelt Development, LLC, contract purchaser, to permit "Wholesale and processing" and "Warehousing with indoor storage" land uses within a General Commercial (B-1) Zoning District, pursuant to Prince George County Zoning Ordinance Sections 90-393(1) and (15). The purpose of the request is to allow warehouse space to be developed on the property. The subject property is approximately 44.235 acres in size, located on Wagner Way at the intersection of Courthouse Road and Route 460, and is identified as Tax Map Numbers 340(0A)00-007-D and 340(0A)00-007-E. The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for "Commercial" land uses.

The public hearing will be held in the Board Room, third floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia 23875, pursuant to §15.2-2204, §15.2-2225, §15.2-2232, and §15.2-2285 of The Code of Virginia (1950, as amended). A copy of the related material may be reviewed or obtained at the Community Development and Code Compliance Department in the County Administration Building between 8:30 a.m.-5:00 p.m., Monday-Friday. All interested persons are invited to participate in the public hearings in person. A live video stream will be available at https://www.princegeorgecountyva.gov/live_stream/. Public comments can be submitted prior to 4:30 p.m. on the public hearing date. Public Comment submittal forms and information on accessing this meeting electronically are available at <https://www.princegeorgecountyva.gov>.

You may also contact Planning and Zoning Division at (804)722-8678 or by e-mail at planning@princegeorgecountyva.gov with any questions prior to the scheduled meeting. We have included a GIS Map showing the general location of the request.

Sincerely,

Andre Greene
Planner II

**NOTICE OF PUBLIC HEARINGS
PRINCE GEORGE COUNTY PLANNING COMMISSION**

The Prince George County Planning Commission will hold public hearings on Thursday, April 27, 2023 beginning at 6:30 p.m. concerning the following requests:

COMPREHENSIVE PLAN AMENDMENT CPA-23-02: Request of It's His Land, LLC to amend the Comprehensive Plan Future Land Use Map designation for the property identified as Tax Map 350(0A)00-044-A from "Residential" to "Commercial", in order to support a companion rezoning request for the same property. The property is approximately 14.8 acres in size, and is located on the West side of Prince George Drive at the intersection with West Quaker Rd.

REZONING RZ-23-02: Request of It's His Land, LLC to conditionally rezone 14.8 acres from Residential Agricultural (R-A) Zoning District to General Business (B-1) Zoning District. The applicant seeks to develop the property for a mini storage facility, as well as office, retail and potentially restaurant uses. The subject property is identified as Tax Map 350(0A)00-044-A and located on the West side of Prince George Drive at the intersection with West Quaker Rd. The Comprehensive Plan Future Land Use Map indicates the property is planned for "Residential" land uses; however, the applicant has requested to change the Future Land Use designation to "Commercial".

SPECIAL EXCEPTION SE-23-03: Request of It's His Land, LLC to permit warehousing with indoor storage within a General Business (B-1) Zoning District, pursuant to Prince George County Zoning Ordinance Section 90-393(15). The purpose of the request is to allow the development of a mini storage (self-storage) facility with outdoor boat/RV storage. The subject property, approximately 14.8 acres in size, is identified as Tax Map 350(0A)00-044-A and is located on the West side of Prince George Drive at the intersection with West Quaker Rd. The Comprehensive Plan Future Land Use Map indicates the property is planned for "Residential" land uses; however, the applicant has requested to change the Future Land Use designation to "Commercial".

SPECIAL EXCEPTION SE-23-02: Request of Lingerfelt Development, LLC, contract purchaser, to permit "Wholesale and processing" and "Warehousing with indoor storage" land uses within a General Commercial (B-1) Zoning District, pursuant to Prince George County Zoning Ordinance Sections 90-393(1) and (15). The purpose of the request is to allow warehouse space to be developed on the property. The subject property is approximately 44.235 acres in size, located on Wagner Way at the intersection of Courthouse Road and Route 460, and is identified as Tax Map Numbers 340(0A)00-007-D and 340(0A)00-007-E. The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for "Commercial" land uses.

REZONING RZ-23-03: Request of Roslyn Farm Corporation to conditionally rezone approximately 159.64 acres from Residential Agricultural (R-A) and Limited Residential (R-2) Zoning Districts to General Industrial (M-2) Zoning District. The purpose of the rezoning is to allow development of the property for industrial uses. The subject property is located on both sides of Rives Road in between the interchanges for Interstate 95 and Interstate 295, and is identified by seven (7) Tax Map Numbers: 330(0A)00-015-0, 016-A, 018-0, 019-0,

020-0, 0-21-0, and 024-A. The overall development plan extends across the County line into the City of Petersburg. The Comprehensive Plan Future Land Use Map indicates the property is planned for “Commercial / Industrial” land uses.

SPECIAL EXCEPTION SE-23-04: Request of the County of Prince George to permit “Buildings or uses for local governmental purposes” within a Residential Agricultural (R-A) Zoning District, pursuant to Prince George County Zoning Ordinance Section 90-103(35). The purpose of the request is to allow a convenience center, which is a facility allowing residents and business to drop off solid waste and recyclable materials to be collected and taken away to off-site transfer stations or landfills. The facility would occupy approximately 7 acres of land located on the southeast portion of the subject property. The subject property, approximately 175 acres in total size, is located on the east side of Prince George Drive at the intersection with East Quaker Road, and is identified as Tax Map 350(0A)00-046-0. The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for “Public / Semi-Public” land uses.

The public hearings will be held in the Board Room, third floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia 23875, pursuant to §15.2-2204, §15.2-2225, §15.2-2232, and §15.2-2285 of The Code of Virginia (1950, as amended). A copy of the related material may be reviewed or obtained at the Community Development and Code Compliance Department in the County Administration Building between 8:30 a.m.-5:00 p.m., Monday–Friday. All interested persons are invited to participate in the public hearings in person. A live video stream will be available at https://www.princegeorgecountyva.gov/live_stream/. Public comments can be submitted prior to 5:00 p.m. on the public hearing date. Public Comment submittal forms and information on accessing this meeting electronically are available at <https://www.princegeorgecountyva.gov>.

Tim Graves
Planner
(804)722-8678



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: October 17, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Jeffrey Sadler

RE: **Consideration of a resolution to apply for \$975,000 of Industrial Revitalization Funds for The Hotel Petersburg Project for the rehabilitation of 20 Tabb Street. - 2nd Reading (Page 152)**

PURPOSE: To approve the resolution to apply for \$975,000 of Industrial Revitalization Funds for The Hotel Petersburg Project.

REASON: Approve resolution

RECOMMENDATION: To approve the attached resolution on the second reading.

BACKGROUND: See attached resolution

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 10/17/2023

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. IRF Resolution 2023

Be it resolved that, The City of Petersburg, Virginia, wishes to apply for Nine Hundred Seventy-Five Thousand Dollars \$975,000 (amount tentative) of Industrial Revitalization Funds for The Hotel Petersburg Project for the rehabilitation of 20 Tabb Street into a Downtown Boutique Hotel that will serve as an anchor destination in support of ongoing revitalization efforts.

Whereas, more than Fifteen Million Dollars (\$15,000,000) will be expended on construction of this project, as well as more than Two Million Dollars (\$2,000,000) will be spent on Furniture, Fixtures & Equipment (FF&E), it is projected that a minimum of 50 FTE positions will result from the implementation of the project, as well as increased tourism and expenditures at area shops, attractions and restaurants, and an increase in tax revenues associated with these expenditures; and,

Whereas, the more than 15% inflation that has occurred since the first application to the IRF for Six Hundred Thousand Dollars (\$600,000) was made in 2021 and has caused increased costs unforeseen at that time; and,

Whereas, the IRF program, due to an infusion of ARPA funding that is specifically available for hospitality projects such as the Hotel Petersburg Project, has increased their maximum award from the 2021 level of Six Hundred Thousand Dollars (\$600,000) to up to Five Million Dollars (\$5,000,000); therefore,

Be it further resolved that xxxx, City Manager, is hereby authorized to sign and submit appropriate documents for the submittal of this Industrial Revitalization Fund proposal.

Adopted, DATE.

Signed: Attest: xxxx, City Manager

CLERK



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: October 17, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Nykesha Lucas, Naomi Siodmok

RE: **Consideration of appointment/s to the Community Development Block Grant Advisory Board. (Page 154)**

PURPOSE: To fill vacant seats on the Community Development Block Grant Advisory Board.

REASON: There are several vacancies on the CDBG Board.

RECOMMENDATION: City Council make appointment/s to the Community Development Block Grant Advisory Board. Also to make appointments by resolution.

BACKGROUND: Members serve in an advisory capacity to the City Council. Reviews, conducts public hearings, and makes recommendations for City Council action regarding requests for projects to be funded from the city's annual CDBG entitlement under this federal program. The City Council makes final approval of project allocations.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 10/17/2023

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. appointment to CDBG 2023 resolution
2. Community Development Block Grant Advisory Board

3. Community Development Block Grant Citizen Advisory Board 2023

**A RESOLUTION APPOINTING _____ WITH
A TERM ENDING SEPTEMBER 30, 2025 TO THE
COMMUNITY DEVELOPMENT BLOCK GRANT
ADVISORY BOARD.**

BE IT RESOLVED, by the City Council of the City of Petersburg, that it hereby appoints _____, with a term ending September 30, 2025 to the Community Development Block Grant Advisory Board.

Community Development Block Grant Advisory Board (CDBG)

Duties:

Serves in an advisory capacity to the City Council. Reviews, conducts public hearings, and makes recommendations for City Council action regarding requests for projects to be funded from the city's annual CDBG entitlement under this federal program. The City Council makes final approval of project allocations.

CDBG is composed of twelve (12) members appointed by the City Council; (1) from each of the seven (7) wards and five (5) at large.

****Four-year terms.**

*Director of Board:
Naomi Siodmok
Director of Planning and Community Development
135 North Union Street
Petersburg, VA 23803
804-733-2308*

Members of the Board Information:

1. Shabaka N. Moore
406 Claremont Street
Petersburg, VA 23805
Telephone #:
Email:
Ward: 4
Term Date: September 15, 2020 to September 30, 2024

2. Tamika L. Green
514 Byrne Street
Petersburg, VA 23803
Telephone #:
Email:
Ward:
Term Date: September 15, 2020 to September 30, 2024

3. Kofi Adih (Chairman)
1000 Sunset Avenue
Petersburg, VA 23805
Telephone #: 804-829-3095
Email: kadih1@msn.com
Ward: 3
Term Date: May 18, 2021 – September 30, 2025

4. Ethan Calvert
414 Harrison Street
Petersburg, VA 23803
Telephone #: 540-958-2836
Email: ethan.calvert@outlook.com
Ward: 5 (At-Large seat)
Term Date: May 18, 2021 – September 30, 2025

5. Vacant
Telephone #:
Email:
Ward:
Term Date:

6. Vacant
Telephone #:

Email:
Ward:
Term Date:

7. Vacant
Telephone #:
Email:
Ward:
Term Date:

8. Vacant
Telephone #:
Email:
Ward: AT-Large
Term Date:

9. Vacant
Telephone #:
Email:
Ward: At-Large
Term Date:

10. Vacant
Telephone #:
Email:
Ward: AT-Large
Term Date:

11. Vacant
Telephone #:
Email:
Ward: At-Large
Term Date:

12. Vacant
Telephone #:
Email:
Ward: At-Large
Term Date:

COMMUNITY DEVELOPMENT BLOCK GRANT CITIZEN ADVISORY BOARD		
TERMS		
APPLICANTS	Date	WARDS
Sonja J. Holt, 2035 Colston Street	7/20/2022	2
Leonard Curry, 2014 Woodland Road	12/9/2022	3
Maisha Henry, 1324 Hinton Street	3/10/2023	6
Genevieve Lohr, 19 Guarantee Street	7/17/2023	5
Marcus Squires, 1701 Monticello Avenue	7/24/2023	4
Taurean Morrow, 325 Glenwood Ct	8/2/2023	4