



City of Petersburg Virginia

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January 2, 2024 - City Council Work Session

January 2, 2024
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. **Public Comments**
 6. **Approval of Consent Agenda (to include minutes of previous meetings):**
 - a. Request and consideration of a public hearing for an ordinance recommending approval of a Comprehensive Plan Amendment to amend and readopt the future land use map from the proposed land use of Low Density Residential to Medium/High Density Residential at 235 Medical Park Boulevard. **(Page 3)**
 - b. Request and consideration of a public hearing for an ordinance from Sayed Shah Owner, representative of S Shah Properties LLC, to obtain a Special Use Permit at 112 N Crater Road and 114 N Crater Road as provided for under Article 23, Supplementary Use Regulations-Special Uses. Section 4, Special Uses Enumerated. Item (22) of the Zoning Ordinance to establish 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. **(Page 24)**
 - c. Request and consideration of a public hearing from Barry Jones, owner, Capital City Homes, RVA, to rezone properties from M-1, Light Industrial, District to B-2, General Commercial, District with the intention of building eight (8) single-family dwellings. The properties are contiguous to one another and are vacant lots, addressed as follows: 901, 905, 909, 915, 921, 925, 929, 933 Commerce St and 208 N Dunlop Street and further identified respectively as 024140003, 024140005, 024140006, 024140007, 024140008, 024140009, 024140010, 024140011, 024140012, and 024140013. **(Page 61)**
 - d. A request to schedule a public hearing and the consideration of an ordinance to amend and re-adopt Article 24 Nonconforming Uses and Article 25 Supplementary Height, Area and Bulk Regulations, as set forth in the Zoning Ordinance of the City of Petersburg and as requested by the Planning Commission, to allow the rehabilitation and continuation of residential structures and four-units or less with a certificate of nonconforming use, development of nonconforming lots, and the

rehabilitation of existing neighborhood commercial structures with a certificate of nonconforming use. (Page 83)

- 7. Special Reports**
- 8. Monthly Reports**
- 9. Finance and Budget Report**
 - a. City of Petersburg Revenue Report
- 10. Capital Projects Update**
- 11. Utilities**
 - a. Monthly Poor Creek Update by JMT
- 12. Streets**
- 13. Facilities**
- 14. Economic Development**
- 15. City Manager's Agenda**
- 16. Business or reports from the Clerk**
- 17. Business or reports from the City Attorney**
- 18. Adjournment**



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 2, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Naomi Siodmok

RE: Request and consideration of a public hearing for an ordinance recommending approval of a Comprehensive Plan Amendment to amend and readopt the future land use map from the proposed land use of Low Density Residential to Medium/High Density Residential at 235 Medical Park Boulevard. (Page 3)

PURPOSE: To bring the Comprehensive Plan Future Land Use Map in compliance with existing conditions and for the Future Land Use Map to support the growth and need for housing identified in the Comprehensive Plan.

REASON: Comprehensive Plan Amendment to support multifamily housing at 235 Medical Park Boulevard.

RECOMMENDATION: Approval of an ordinance for approval of a Comprehensive Plan Amendment to amend and readopt the future land use map from the proposed land use of Low Density Residential to Medium/High Density Residential at 235 Medical Park Boulevard.

BACKGROUND: The applicant submitted a request for a Special Use Permit for multifamily housing and was notified, after initial meetings with the Planning Commission and community, that the request was not consistent with the Comprehensive Plan, so the staff could not recommend approval. In November 2023, a Comprehensive Plan amendment was submitted by the applicant to precede the request for a Special Use Permit.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 1/16/2024

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: Planning Commission

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: Related to 23-SUP-06 for a Special Use Permit for multifamily housing at 235 Medical Park Boulevard.

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. 2023-CPA-01 Packet



City of Petersburg

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

Naomi Siodmok
Planning and Community Development Director
804-566-0757
nsiodmok@petersburg-va.org

To: Mayor and Council

From: Naomi Siodmok, Director of Planning & Community Development

Date: January 2, 2024

Subject: Case 2023-CPA-01
235 Medical Park Blvd
Tax Parcel: 087030811

2023-CPA-01: Request by Ryan Rodgers, Developer with Pedcor Investments, A Limited Liability Company, for a Comprehensive Plan Amendment at 235 Medical Park Boulevard (Tax Parcel ID 087030811) to support the proposed use of multi-family apartments. The Comprehensive Plan currently suggests this area is suitable for Low Density Residential and the request is for the Comprehensive Plan to be amended to designate that area for Medium/High Density Residential.

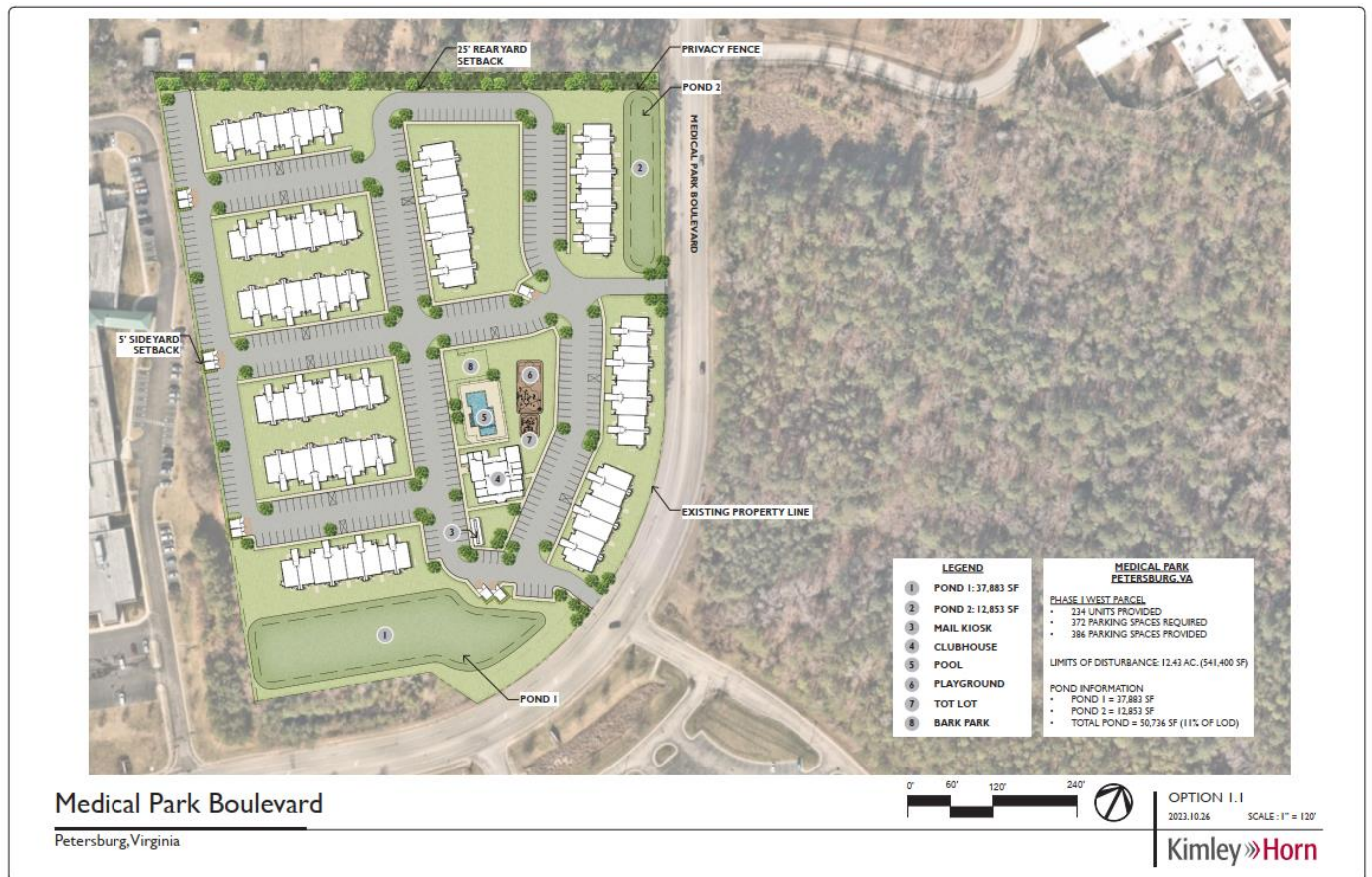
Should this request be approved, a special use permit is still required to allow for multi-family in the B-2, General Commercial District.

I. APPLICANT'S PROPOSAL AND BACKGROUND

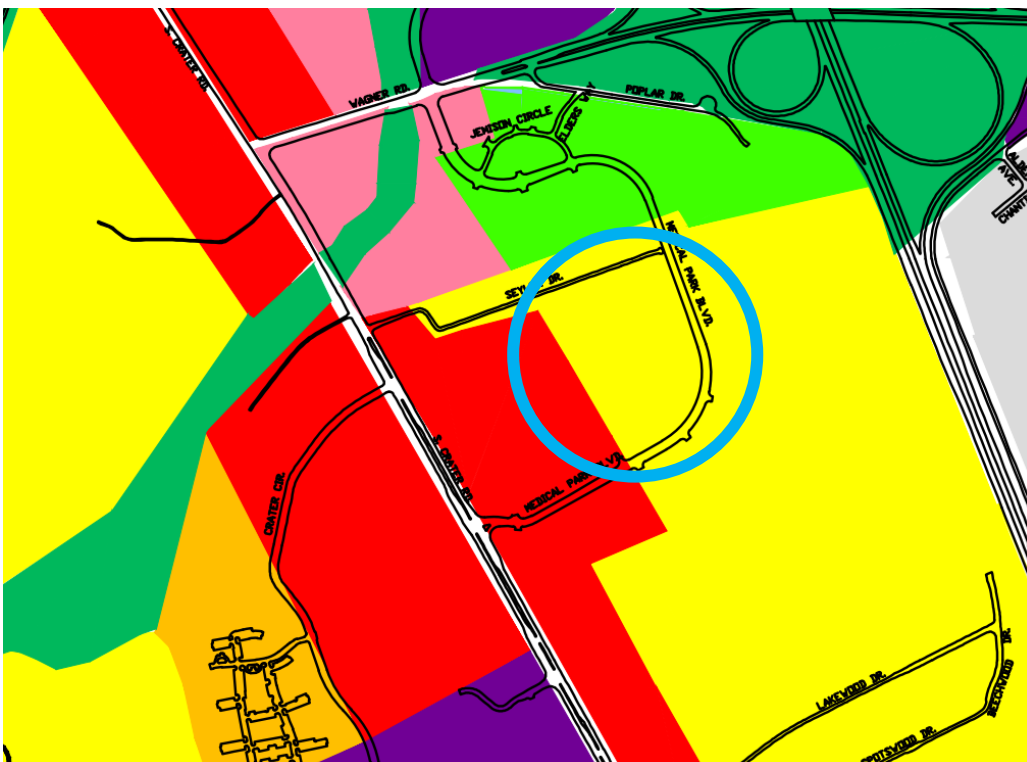
The proposal is for 234 units with a mix of 1, 2 and 3 bedrooms at 235 Medical Park Boulevard. The property is currently a vacant, wooded lot. 386 parking spaces will be provided, which exceeds what is required. Community space will also be provided such as a pool, playground, dog park, and community space.

The applicant submitted a request for a Special Use Permit and was notified, after initial meetings with the Planning Commission and community, that the request was not consistent with the Comprehensive Plan, so the staff could not recommend approval. In November 2023, a Comprehensive Plan amendment was submitted by the applicant to precede the request for a Special Use Permit.

The following images show the proposed development as well as the current land use designation.



The above concept is the preferred concept for the apartment development.



Future Land Use designation showing the subject property as Low Density Residential as well as the

II. Rationale for a Comprehensive Plan Amendment

The proposed multi-family housing is adjacent to the Southside Regional Medical Center, which is mentioned multiple times in the 2014 Comprehensive Plan. On page 11 of the Plan, Southside Regional Medical Center is recognized as an area that has spurred growth and has drawn an increase in population between 2007 and 2013, yet, the land use designation for even the Medical Center is identified as Low Density Residential. This reflects a lack of update in the land use map and a need to accommodate growth in and around the Medical Center as more residents are drawn to the area.

In the 2014 Comprehensive Plan, the Medical Center is also noted as the largest employer in the city of Petersburg. Page 27 talks further of the site being an important base of the economy to include the Walmart on site. Locating housing next to jobs takes vehicles off the road, saves workers money, benefits the environment, and improves employee health. Further, multi-family housing can serve as a transition between commercial development and existing single-family development as is generally seen in the New Urbanist concept of urban-rural transects.

III. PUBLIC COMMENTS

No comments have been received on this Comprehensive Plan amendment. Yet, feedback has been received on the Special Use Permit, which is outlined in that staff report.

IV. RECOMMENDATION

Planning Commission per their recommendation on December 7, 2023, and Staff recommend approval of the Comprehensive Plan amendment from Low Density Residential to Medium/High Density Residential as outlined in the rationale above. The multi-family housing project proposed supports accommodating the observed growth in the area, serves as a transition between commercial and low-density residential uses, and locates people next to jobs.

V. Exhibits

- 1) Presentation
- 2) Ordinance
- 3) Applicant's Petition
- 4) Adjacent Property Notification

CITY COUNCIL

JANUARY 2,
2024



2023-CPA-01

Request by Pedcor Investments for a Comprehensive Plan Amendment (CPA) at 235 Medical Park Blvd to designate the property as Medium/High Density Residential instead of Low Density Residential.

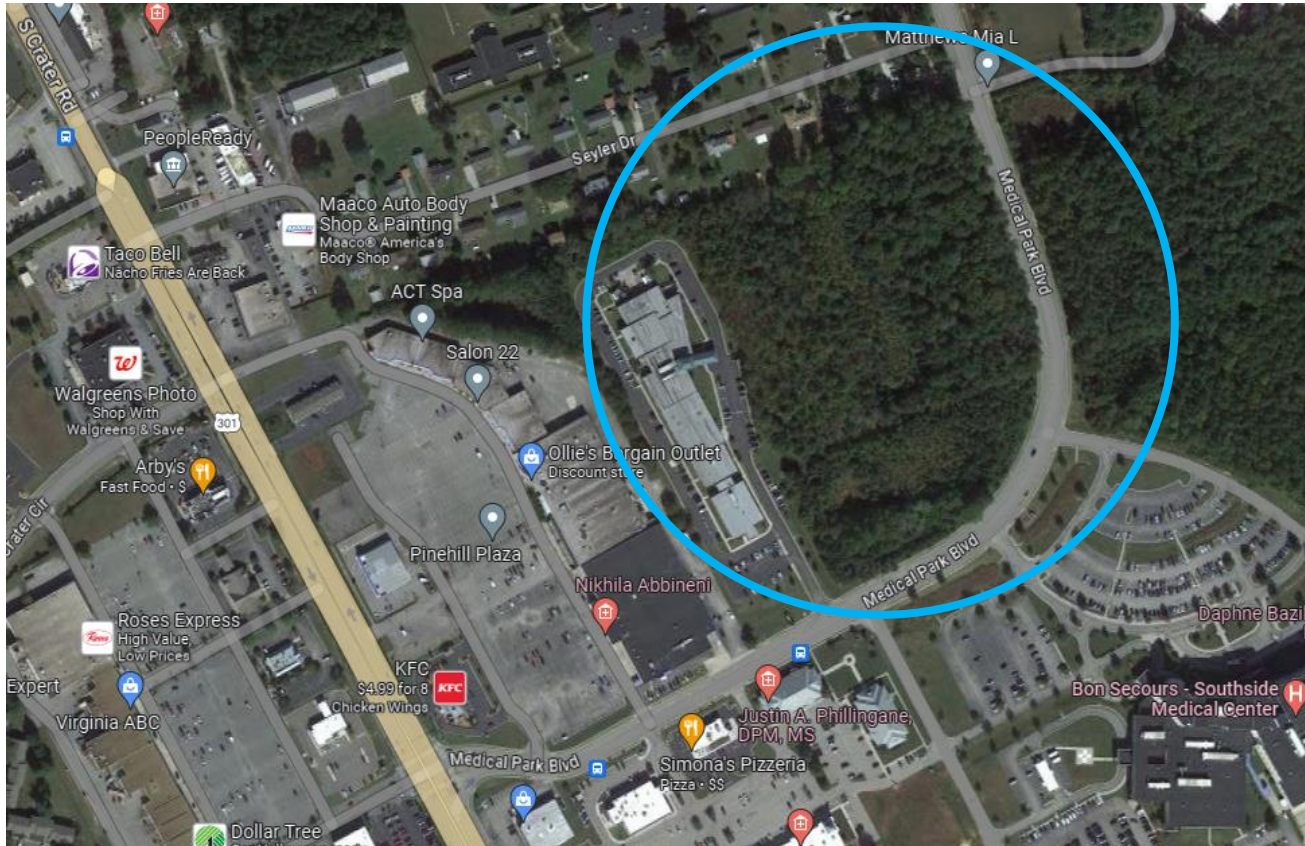
Background

Applicant: Pedcor Investments represented by Ryan Rodgers

Request: The applicant is proposing 234 apartment units with a mix of 1, 2, and 3 bedrooms as well as community space.

The Comprehensive Plan designates the site for Low Density Residential. To comply with the Comprehensive Plan, the applicant is requesting a Comprehensive Plan Amendment for the site to reflect Medium/High Density Residential.

Location 235 Medical Park Boulevard



Comprehensive Plan Low Density Residential



Comprehensive Plan Amendment

Medium/High Density Residential



Preferred Concept



Rationale

- Adjacent to the Southside Regional Medical Center, which, per the Comprehensive Plan, is an area that has spurred growth/drawn an increase in population. There is a need to accommodate growth in and around the Medical Center as more residents are drawn to the area.

Rationale (continued)

- In the Comprehensive Plan, the Medical Center is also noted as the largest employer in Petersburg and further mentions the site being an important base for the economy with the Walmart onsite. Locating housing next to jobs takes vehicles off the road, saves workers money, benefits the environment, and improves employee health.

Rationale (continued)

- Multi-family housing can serve as a transition between commercial development and existing single-family development as is generally seen in the New Urbanist concept of urban-rural transects.

Public Comment

No comments have been received regarding the Comprehensive Plan Amendment, though comments have been received regarding the Special Use Permit as is outlined in Case 2023-SUP-06.

The Special Use permit was deferred until February 2024 by Planning Commission for the applicant to hold another community meeting.

Recommendation

Planning Commission (12/7/2023) and Staff recommend approval of the Comprehensive Plan amendment from Low Density Residential to Medium/High Density Residential;

As outlined in the previous rationale, the multi-family housing project proposed supports accommodating the observed growth in the area, serves as a transition between commercial and low-density residential uses, and locates people next to jobs.

AN ORDINANCE APPROVING A PETITION FOR A COMPREHENSIVE PLAN AMENDMENT FOR MULTI-FAMILY DEVELOPMENT AT 235 MEDICAL PARK BOULEVARD TO CHANGE THE FUTURE LAND USE MAP FROM LOW DENSITY TO MEDIUM/HIGH DENSITY RESIDENTIAL.

WHEREAS, the City of Petersburg received a Petition for a Comprehensive Plan Amendment (CPA) for Multi-Family development at 235 Medical Park Boulevard, PIN: 087030811; and

WHEREAS, a the Future Land Use designation for the property is currently Low Density Residential and the request is for Medium/High Density Residential; and

WHEREAS, the 2014 Comprehensive Plan recognizes the area, which is next to the Southside Regional Medical Center, as an area of growth, which could be accommodated with additional housing density; and

WHEREAS, The Medical Center and the nearby Walmart are recognized as major employers in Petersburg, which could benefit from adjacent housing to support the workforce and provide benefits such as taking vehicles off the road, saving workers money, benefiting the environment, and improving employee health; and

WHEREAS, multifamily housing can further serve as a transition between commercial development and existing single-family development as is generally seen in the New Urbanist concept of urban-rural transects; and

WHEREAS, the public hearing was advertised, in accordance with applicable laws.

NOW THEREFORE BE IT RESOLVED that the Council of the City of Petersburg hereby approve the petition for a Comprehensive Plan Amendment to amend and readopt the Future Land Use Map designation from Low Density Residential to Medium/High Density Residential.



COMPREHENSIVE PLAN AMENDMENT APPLICATION

Department of Planning and Community Development
135 N Union Street, Petersburg, Virginia 23803
(804) 733-2300 | <https://www.petersburgva.gov/>

OFFICE USE ONLY

APPLICATION #:

DATE SUBMITTED:

APPLICANT FILL-IN ALL BLANKS BELOW

REQUEST / PROPERTY DETAILS

IS THIS REQUEST RELATED TO A CURRENT ZONING APPLICATION? (IF SO, SPECIFY CASE#): 2023-SUP-06

REQUEST ADDRESS / LOCATION:

235 MEDICAL PARK BLVD, PETERSBURG, VA

AFFECTED ACREAGE:

12.427 AC

ENTIRE PARCEL (Y / N):

YES

WHAT SPECIFIC CHANGE(S) IS/ARE REQUESTED FOR THE FUTURE LAND USE MAP/COMPREHENSIVE PLAN?

CHANGE FUTURE LAND USE MAP FOR THIS PARCEL TO BE CONSISTENT WITH EXISTING B-2 ZONING

EXISTING FUTURE LAND USE DESIGNATION:

LOW-DENSITY RESIDENTIAL

REQUESTED FUTURE LAND USE DESIGNATION:

COMMERCIAL

REQUIRED ATTACHMENTS (CHECK IF ATTACHED):

☐ RATIONALE DOCUMENT
(SUPPORTING FACTS, REASONS)

☐ ADDITIONAL ATTACHMENTS (LIST):

☒ MAP TO SCALE

(USE GIS OR ENGINEER DRAWING)

LEGAL OWNER

NAME(S):

PETERSBURG SOUTH ASSOCIATES C/O BETSY PALMER

MAILING ADDRESS (INCL. CITY, STATE, ZIP):

7204 GLEN FOREST DR, STE 100, RICHMOND, VA 23226

E-MAIL:

PHONE:

APPLICANT CONTACT

NAME(S) (IF DIFFERENT THAN OWNER):

RYAN RODGERS

RELATION TO OWNER:

DEVELOPER

MAILING ADDRESS (INCL. CITY, STATE, ZIP):

770 3RD AVE., S.W. CARMEL, IN 46032

E-MAIL:

RRODGERS@PEDCOR.NET

PHONE:

317-705-7970

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:

Bernadette G. Palmer

NAME:

SIGNED:

Bernadette G. Palmer

SIGNED:

DATE: 11-9-23

DATE: _____

NOTARIZATION:

STATE OF VIRGINIA

COUNTY OF: HENRICO

Subscribed and sworn before me this 9TH day of NOVEMBER 2023

Veraps
Notary Public

My Commission expires: JUNE 30 2024



OFFICE USE ONLY

CURRENT ZONING DISTRICT(S):

SURROUNDING ZONING DISTRICT(S):

CURRENT LAND USE(S):

SURROUNDING LAND USE(S):

PRE-APPLICATION MEETING REQUIRED? (CIRCLE ONE)

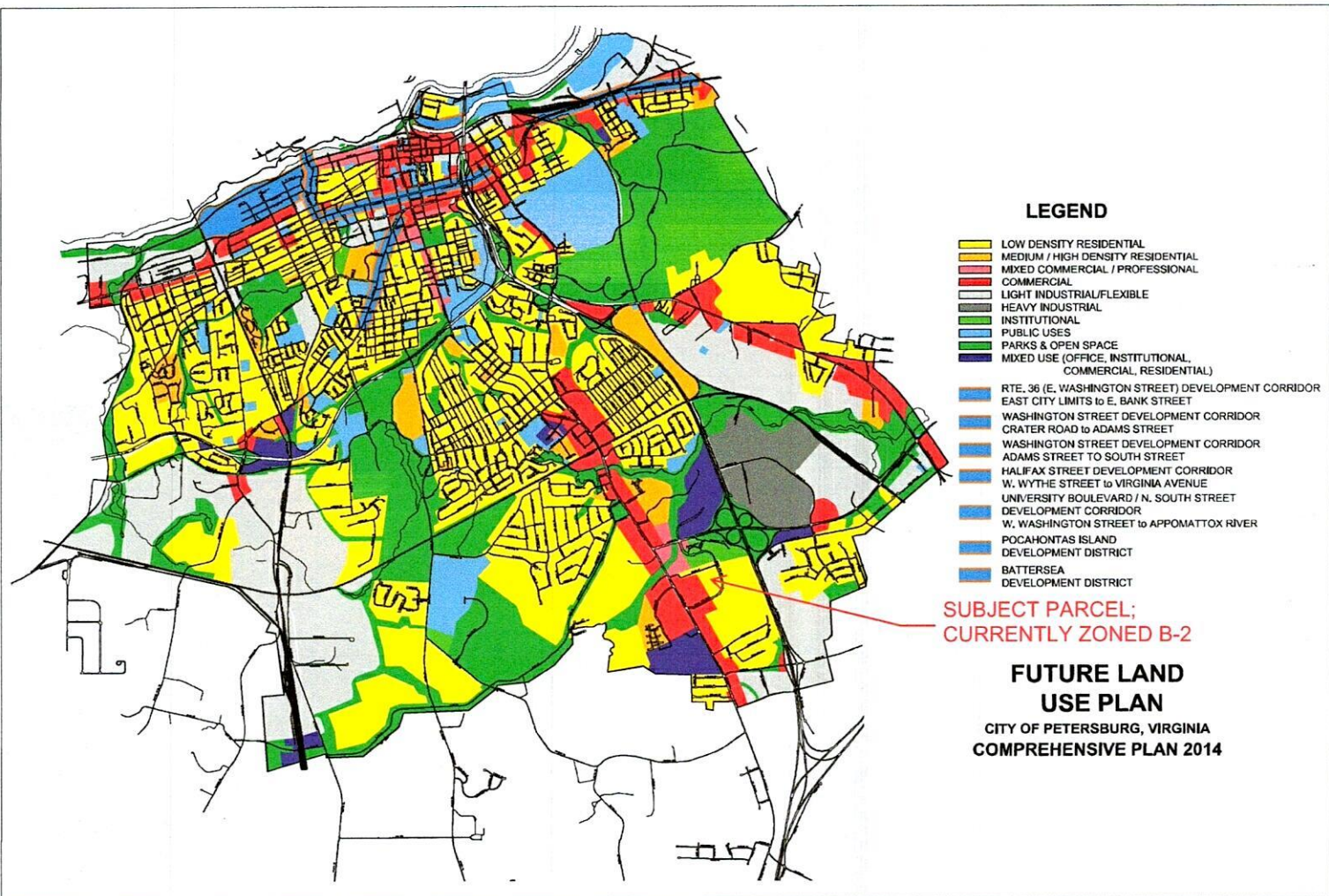
Y / N / TBD / Held: _____

COMMUNITY MEETING REQUIRED? (CIRCLE ONE)

Y / N / TBD / Held: _____

COMMENTS:

PAYMENT	FEE DUE:	FEE PAID:	PAYMENT TYPE:
	AMEND COMPREHENSIVE PLAN: TBD		CHECK / CASH / CREDIT / DEBIT
	CHECK # / TRANSACTION #:	DATE RECEIVED:	RECEIVED BY:





City of Petersburg

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

Sandra A Robinson
Zoning Administrator
804-733-2308
srobinson@petersburg-va.org

November 30, 2023

PLANNING COMMISSION NOTICE OF PUBLIC HEARING

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

Notice is hereby given to all interested persons the City of Petersburg Planning Commission will hold a public hearing on Thursday, December 7, 2023, beginning at 6:30 p.m. at the Petersburg Public Library, 201 W. Washington Street, Petersburg, Virginia 23803 located in the multi-purpose room.

2023-CPA-01: A public hearing and consideration of a resolution recommending approval of a Comprehensive Plan Amendment to amend the future land use map from the proposed land use of Low Density Residential to Medium/High Density Residential at 235 Medical Park Boulevard.

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

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

Naomi Siodmok,
Director of Planning & Community Development



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 2, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Naomi Siodmok

RE: Request and consideration of a public hearing for an ordinance from Sayed Shah Owner, representative of S Shah Properties LLC, to obtain a Special Use Permit at 112 N Crater Road and 114 N Crater Road as provided for under Article 23, Supplementary Use Regulations-Special Uses. Section 4, Special Uses Enumerated. Item (22) of the Zoning Ordinance to establish 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. (Page 24)

PURPOSE: To obtain a Special Use Permit for a stand-alone used vehicle sales establishment located at 112 and 114 N Crater Road.

REASON: Applicant wishes to operate a used vehicle dealership at 114 and 112 N Crater Road.

RECOMMENDATION: Approval of an ordinance for a Special Use Permit at 112 N Crater Road and 114 N Crater Road.

BACKGROUND: An application for a Special Use Permit was submitted to the Petersburg Department of Planning & Community Development on September 11, 2023, by the applicant Mr. Sayed Shah. The application includes the operation of a used automobile dealership. The subject property had been utilized for auto related businesses and transportation service activity (taxi) for years; however, the property has remained vacant for an extended period. Prior to the current owner's purchase of the property, there had been many inquiries regarding the permitted uses allowed, mainly auto related uses, such as a vehicle tow lot, used car lot, and the continuation of taxi stands.

The request went before the Planning Commission in November, but was deferred pending the submission of a site plan. The case was heard again in December, and the Planning Commission recommended approval.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 1/16/2024

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: Planning Commission

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. Case Report 23 SUP 08 112-114 N Crater Rd Sayed Shah Packet



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

Through: Naomi Siodmok, Director, Planning and Community Development

From: Sandra A Robinson, Zoning Administrator

Date: January 2, 2024

SUBJECT: Case 23-SUP-08
112 and 114 N. Crater Road
Tax Parcel: 012110010; 012110009

23-SUP-08: Request by Sayed Shah, owner, representative of S Shah Properties LLC., to obtain a Special Use Permit as provided for under Article 23, Supplementary Use Regulations-Special Uses. Section 4, Special Uses Enumerated. Item (22) of the Zoning Ordinance to establish 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. The subject property is located at 112 and 114 N Crater Road, and further identified as Tax Parcel #012110010 and 012110009. The Comprehensive Plan suggests this area is appropriate for commercial uses. The property is zoned B-2, General Commercial District.

I. APPLICANT'S PROPOSAL

An application for a Special Use Permit was submitted to the Petersburg Department of Planning & Community Development on September 11, 2023, by the applicant Mr. Sayed Shah. The application includes the operation of a used automobile dealership. The subject property had been utilized for auto related businesses and transportation service activity (taxi) for years; however, the property has remained vacant for an extended period. Prior to the current owner's purchase of the property there had been many inquiries regarding the permitted uses allowed, mainly auto related uses, such as a vehicle tow lot, used car lot, and the continuation of taxi stands.

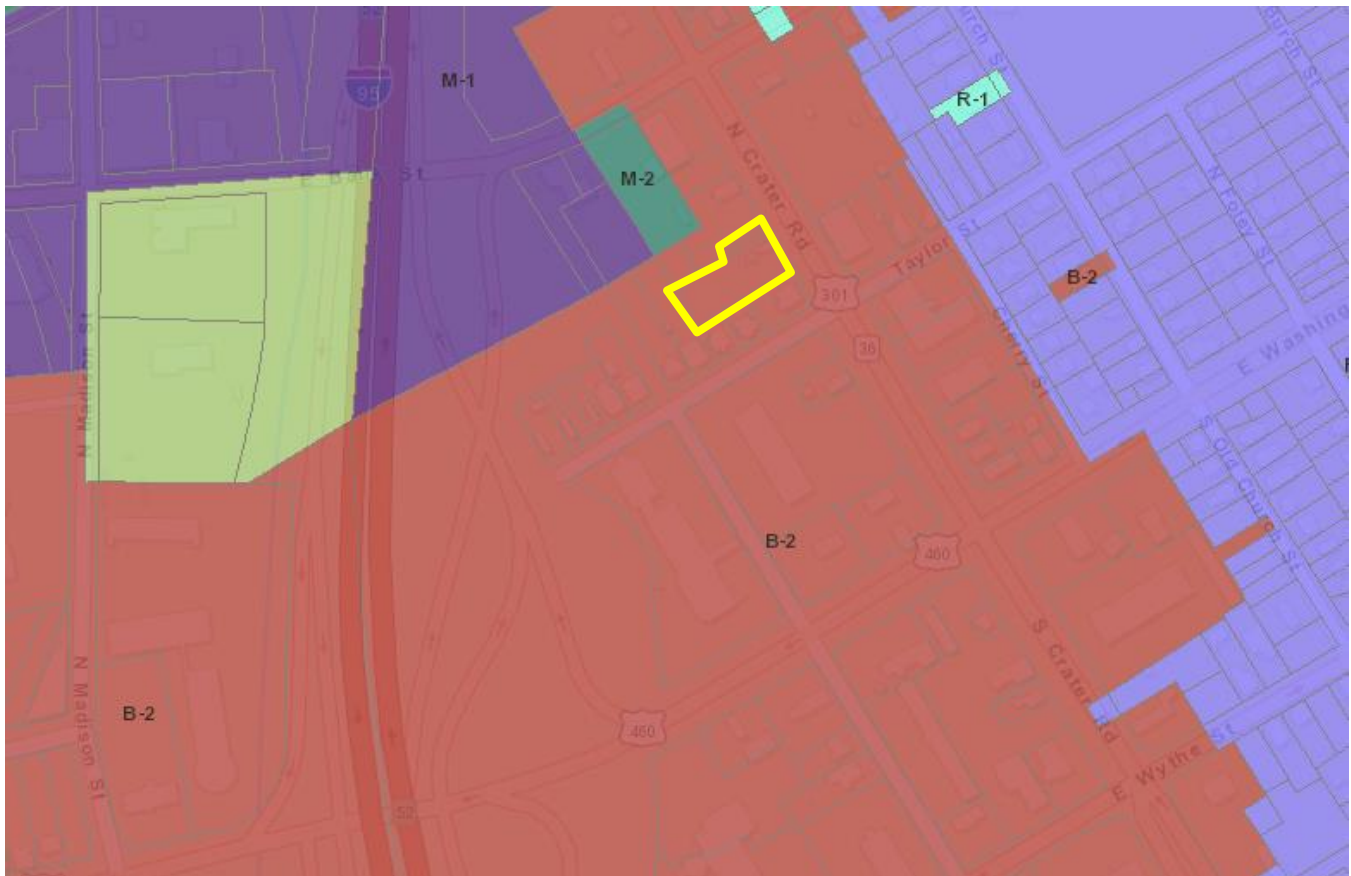
Use of the property for auto sells and related uses are permitted by right, if located on parcels greater than one acre in area. Should a parcel be less than an acre, the individual would be required to obtain a Special Use Permit for the establishment of a used auto sells business. According to the City Assessor's Department information the subject parcel is .335 acres. There have been several approved Special Use Permits granted in the past for properties in the vicinity of the subject parcel, the most recent would be 944-946 E Wythe Street, Chris Faraq, owner (Case 22-SUP-02) on September 1, 2022, and located in a B-2, General Commercial District. Wilson Rivera, Owner of Midnight Towing and Recovery, located in a M-1, Light Industrial District at 709

Bollingbrook Street, and Eldrika Whitaker, Barely Used Cars & Trucks, 2306 E Washington St, located in a B-2, General Commercial District.

On November 2, 2023, the Planning Commission voted to defer the case until December 7, 2023, so the applicant could provide more information on the plans for the site.

II. ZONING AND NEIGHBORING USES/CHARACTER

The subject property and all surrounding properties along N Crater Road including those properties along Taylor Street to the southside of Cherry Street and taking in Little Church St, E Wythe Street, N Little Church Street, and Crater Rd to its intersection with Bollingbrook St. are zoned B-2, General Commercial District.



Subject properties are highlighted in yellow in the zoning map above.

The subject property and surrounding properties have been the location of automobile sales and service establishments over several decades. The area has seen a shift from new auto sales to used auto sales and repair businesses to include towing and auto body shops, collision, and painting businesses. New car dealerships have relocated outside of the city to highly visible locations off Interstate-95, along Temple Ave in Colonial Heights, VA and at the Walthall Exit within Chesterfield County, Virginia.

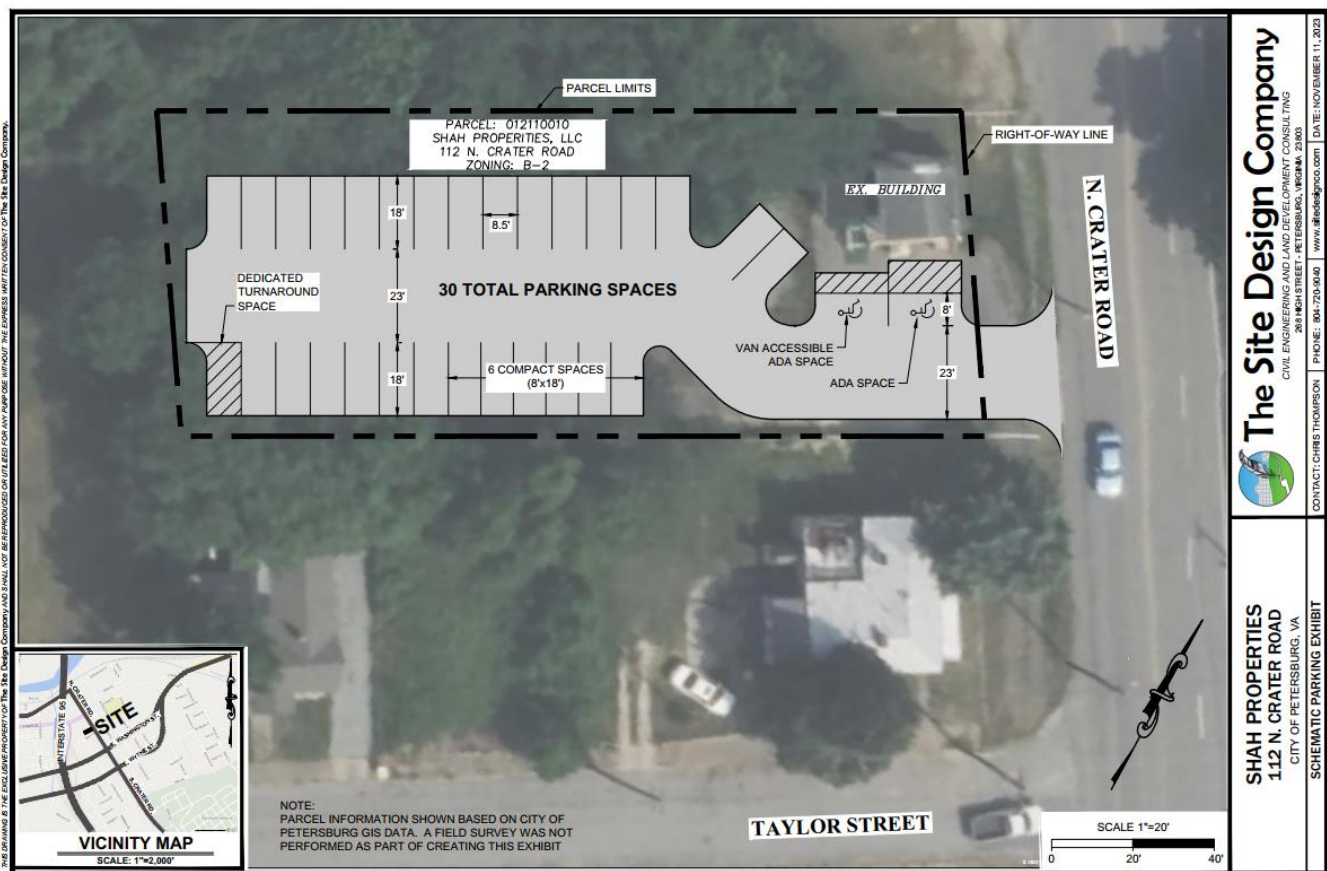
The subject property has one structure located on it which was built as a single-family residence along N Crater Rd. There are scattered residences located along this commercial corridor. In addition to the residential structures, there are several businesses located along N Crater Rd. Those business activities to name a few are: Motel 6, community convenience stores with the sale of gasoline on each corner of Crater Rd and Washington Streets, four used car lots in the immediate area along E. Washington St., Quality Moving & Self-Storage

Company, VAMAC, at the Intersection of Taylor Street and S Crater Road. The surrounding area also consists of business offices for auto repair/garage services, tire sales, and wheel alignments. The applicant has places of business in other areas of Virginia which he states are auto sales related.

The general area is comprised of vacant, dilapidated hotel/motels and several service stations/ convenience stores along Washington, Wythe Street, and the Crater Rd corridors. The subject location and request for a SUP appears to be for the expansion of services within the community, the area currently is and always has been utilized for the purpose of automotive related uses and activities. In researching the area, staff believe that this site does NOT have adequate space for the owner to position vehicles for sale on the lot, accommodate employee parking, nor accommodate ingress and egress. The lot is very narrow and was cluttered with vehicles upon staff posting of the SUP signs. The property appears currently to be utilized as a vehicle storage lot. Below is the proposed site plan for the property.



The above image is of the Future Land Use Map in the Comprehensive Plan, which supports commercial uses.



Proposed site plan for the used vehicle sales establishment.

III. ZONING ORDINANCE (SPECIAL USE PERMIT)

Article 23 of the Zoning Ordinance provides that “certain uses may be desirable when located within the community, but that these uses may be incompatible with other uses permitted in a district, certain special uses listed in Section 4. When found to be in the interest of the public health, safety, morals, and general welfare of the community, may be permitted... Before (the use is allowed), preliminary plans in sufficient detail, and a statement as to the proposed use of the buildings, structures, and premises, shall be submitted to the Planning Commission. The Commission shall hold a public hearing as provided for in Article 28, and shall review such plans and statements and shall, after a careful study thereof and of the effect that such buildings, structures, or uses shall have upon the surrounding territory, submit a recommendation to the City Council within thirty (30) days following said hearing. Following receipt of the Commission’s report, the city council may permit such buildings, structures, or uses, where requested, providing that the public health, safety, morals, and general welfare will not be adversely affected, that ... ample safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.”

IV. RECOMMENDATION

Planning Commission recommends approval per the December 7, 2023 meeting with the following condition:

- 1) The lot shall be maintained in an appropriate, clean manner; paved; and vehicles for sale shall be parked only one per space in the 30 delineated parking spaces.

The Department of Planning and Community Development recommends denial of this used car dealership due to concerns with safety associated with the site being unable to accommodate the vehicles for sale and visitors and concerns about ingress and egress from North Crater Road.

V. EXHIBITS

- 1) Presentation
- 2) Proposed Site Plan
- 3) Ordinance
- 4) Applicant's Petition
- 5) Adjacent Property Notification

CITY COUNCIL
JANUARY 2,
2024



2023-SUP-08

Request by Sayed Shah to obtain a Special Use Permit to establish stand-alone used vehicle sales located at 112 and 114 N Crater Road

Background

Applicant: Sayed Shah, owner, representative of S Shah Properties LLC.

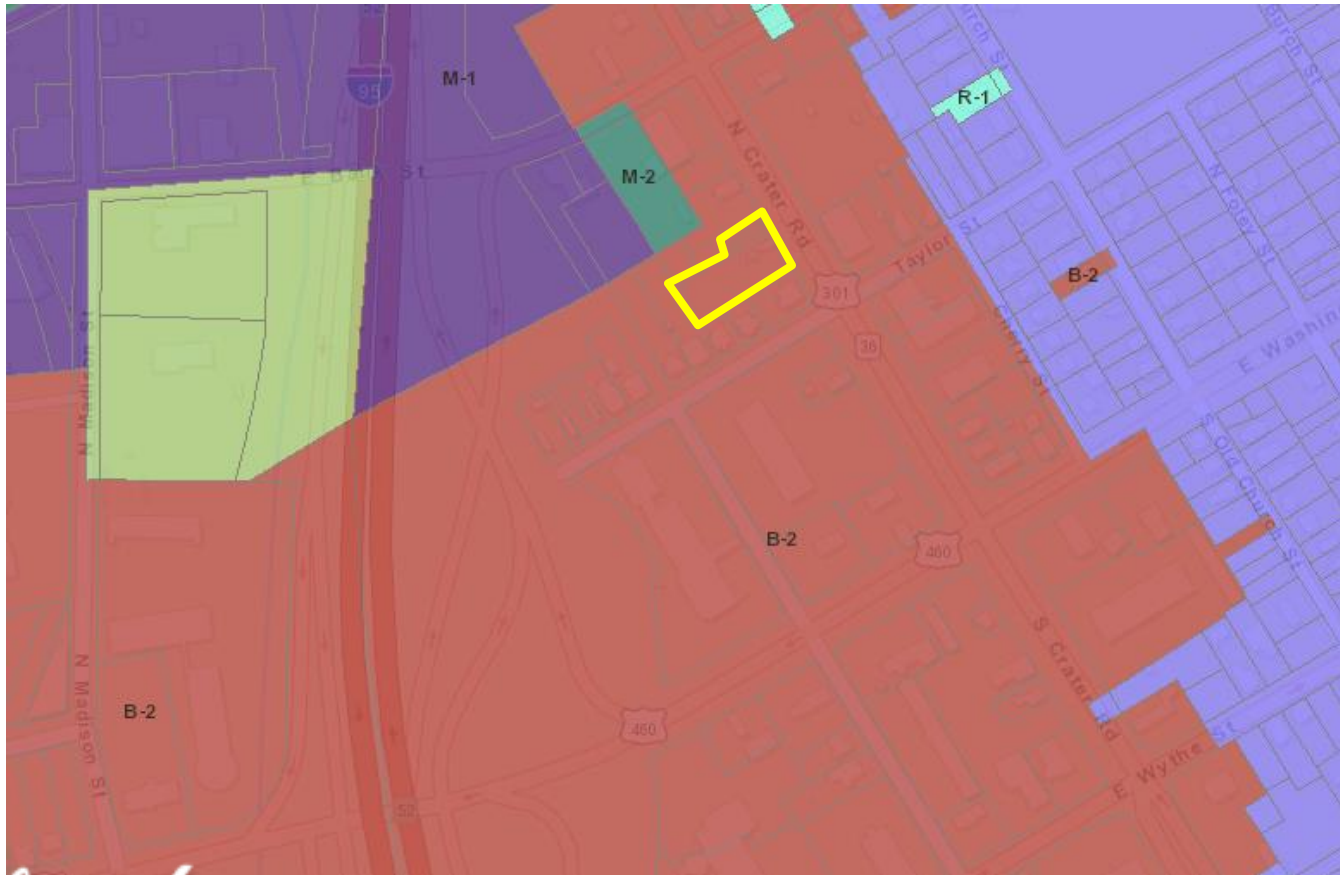
Request: A Special Use Permit for the operation of a used automobile dealership.

Code Requirement: Per Article 23, Supplementary Use Regulations-Special Uses. Section 4, Special Uses Enumerated. Item (22) of the Zoning Ordinance to establish 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.

Location 112 & 114 N Crater Road



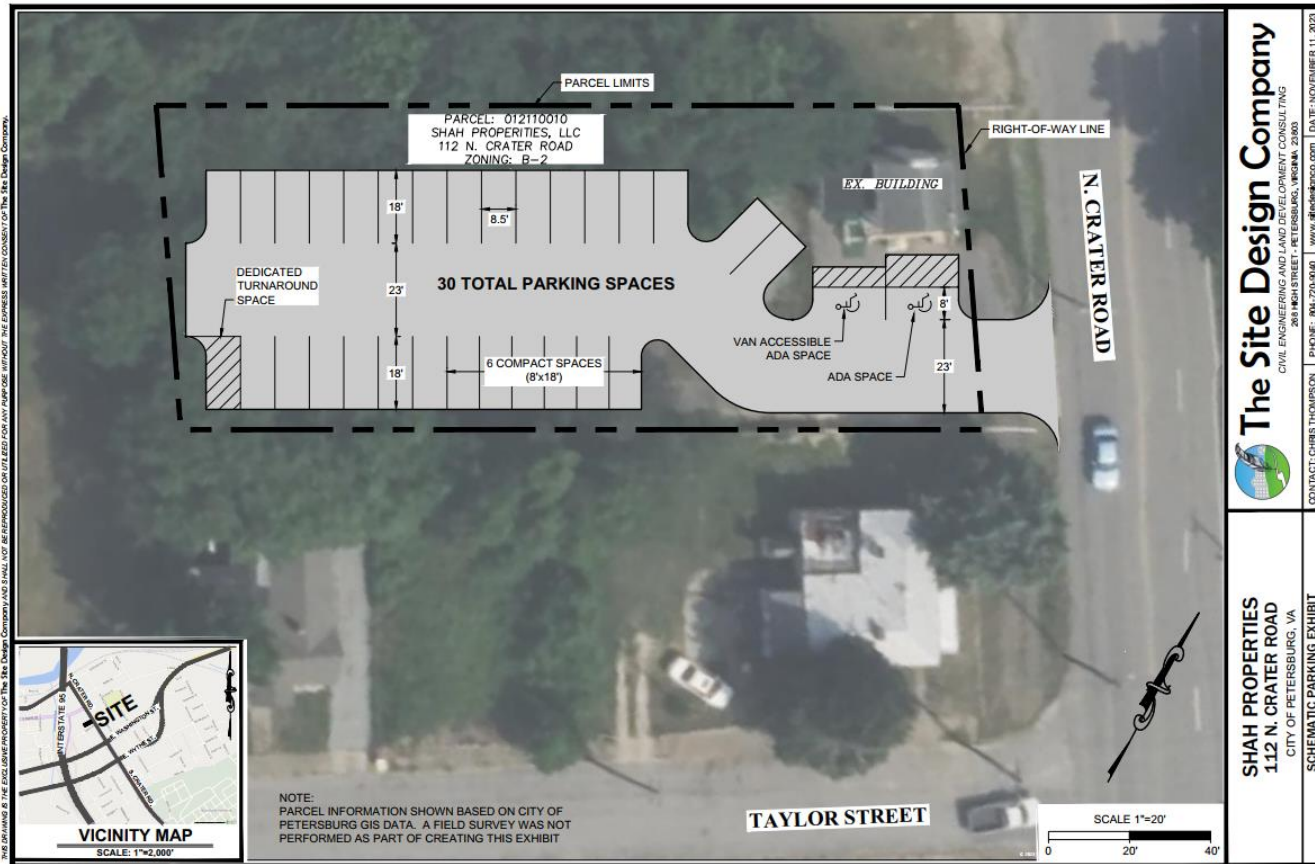
Zoning B-2, General Commercial



Comprehensive Plan Commercial



Site Plan



Recommendation

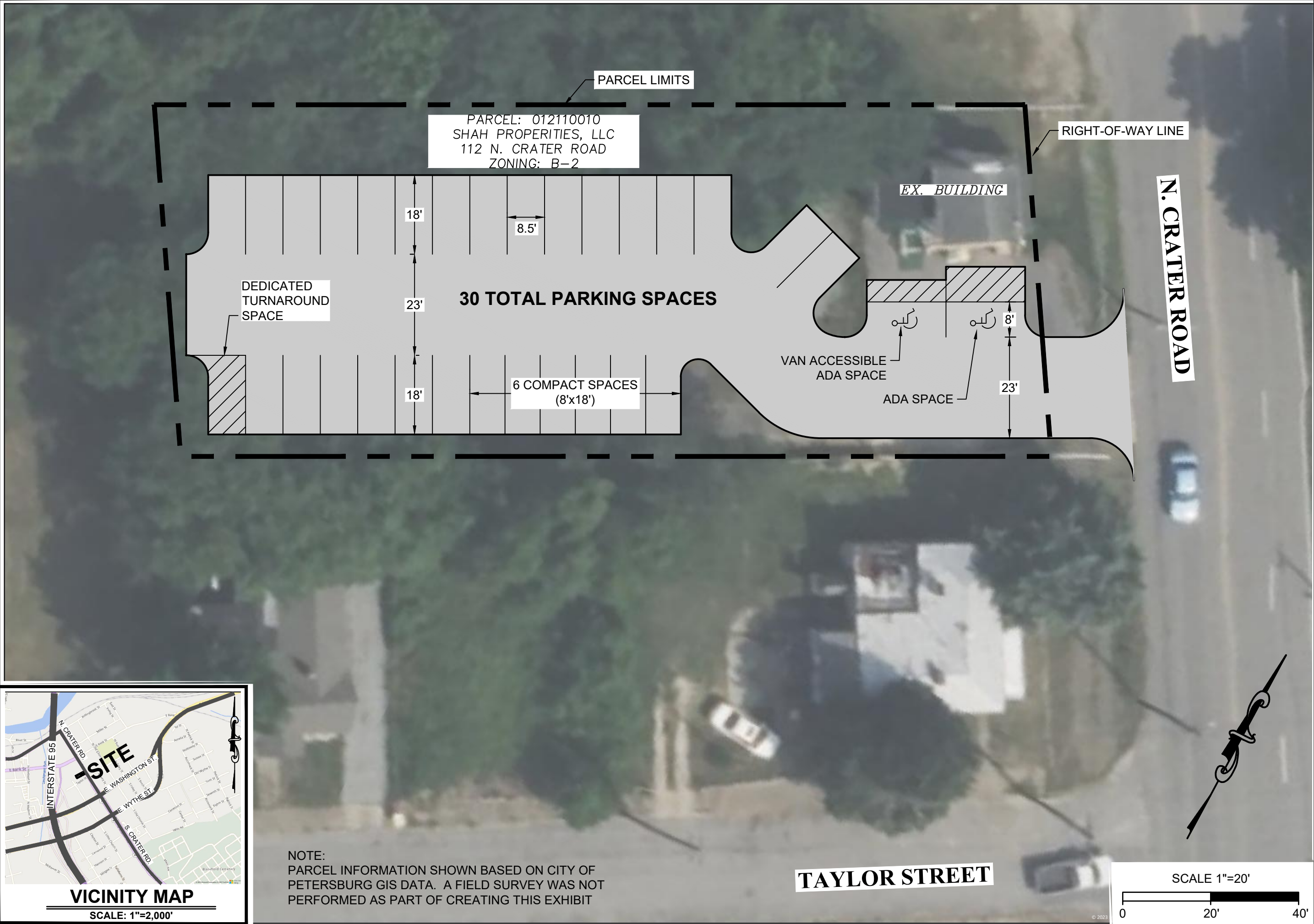
Planning Commission recommended approval on December 7, 2023, with the following condition:

- 1) The lot shall be maintained in an appropriate, clean manner; paved; and that vehicles for sale shall be parked only one per space in the 30 delineated parking spaces.

The Department of Planning & Community Development, recommended denial of the requested Special Use Permit for the following reason:

Public safety – The applicant has not made clear that the site can accommodate the use. There are concerns that the lack of space may impact the safety on N Crater Road.

THIS DRAWING IS THE EXCLUSIVE PROPERTY OF The Site Design Company AND SHALL NOT BE REPRODUCED OR UTILIZED FOR ANY PURPOSE WITHOUT THE EXPRESS WRITTEN CONSENT OF The Site Design Company.



SHAH PROPERTIES
112 N. CRATER ROAD
CITY OF PETERSBURG, VA



The Site Design Company

CIVIL ENGINEERING AND LAND DEVELOPMENT CONSULTING
268 HIGH STREET - PETERSBURG, VIRGINIA 23803

SCHEMATIC PARKING EXHIBIT

CONTACT: CHRIS THOMPSON

PHONE: 804-720-9040

www.sitedesignco.com

DATE: NOVEMBER 11, 2023

AN ORDINANCE APPROVING A PETITION FOR A SPECIAL USE PERMIT WITH CONDITION AT 112 AND 114 N CRATER ROAD PARCEL IDENTIFICATION NUMBERS 012110010 AND 012110009 IN THE B-2, GENERAL COMMERCIAL, ZONING DISTRICT FOR STAND-ALONE USED VEHICLE SALES NOT ASSOCIATED WITH A NEW-VEHICLE DEALERSHIP.

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

WHEREAS, the properties are located at 112 and 114 N. Crater Road, Tax Parcel Numbers: 012110010 and 012110009, respectively; and

WHEREAS, the properties are in the B-2, General Commercial, zoning district; and

WHEREAS, the City received a petition submitted Sayed Shah, owner, representative of S Shah Properties LLC., to obtain a Special Use Permit as provided for under Article 23, Supplementary Use Regulations-Special Uses. Section 4, Special Uses Enumerated. Item (22) of the Zoning Ordinance to establish 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.

WHEREAS, the proposed use of a used car lot 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

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

NOW THEREFORE BE IT RESOLVED that Council does hereby approve a Special Use Permit for 112 and 114 N. Crater Road with the following condition:

- 1) The lot shall be maintained in an appropriate, clean manner; paved; and vehicles for sale shall be parked only one per space in the 30 delineated parking spaces.



City of Petersburg

Department of Planning and Community Development

PROCEDURES FOR PETITION FOR REZONINGS OR SPECIAL USE PERMITS

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

PLEASE NOTE: THE REZONING OR SPECIAL USE PERMIT PROCESS MAY TAKE UP TO 120 DAYS.

CASE NUMBER 2023-SUP-08

Applicant: SYED SHAH

PETITION FOR REZONING OR SPECIAL USE PERMIT

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

A. Property Information

1. SYED SHAH, do hereby petition to rezone the following described properties
from zoning district B2 to zoning district B2 to
permit Special Use permit

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

Used car Sales

3. Tax Parcel Identification Number(s):

Map

Block

Lot

012

11

0010

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

112 N Center Rd

Petersburg VA 23803

5. Approximate Area: _____ sq. ft.

.335

acres

6. Public Street Frontage _____ ft.

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

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

Attached

9. Brief:

Said deed restrictions will expire on : Attached

B. JUSTIFICATION FOR REZONING

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

Need to Convert to Carsales

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).

it is a fenced in lot with its own

parking entrance not disturbing any close by

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 open more jobs

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).

Car sales situated B3 need

Special permit for car sales

C. CERTIFICATION:

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

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

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

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

APPROVED

Signed: _____

Mailing Address: _____

City Attorney

Phone Number: _____

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

ACTION RECORD

Date Filed (with Planning Department) 9-11-2023

Date of Planning Commission Public Hearing 11-2-2023

Planning Commission Action(s) _____

Date of City Council Hearing: _____

City Council Action(s): _____

ADJACENT PROPERTY OWNER LIST 112 -114 N CRATER RD

SYED SHAH – 2023-SUP-08

Joseph Floyd – Property Address: 612 Bank St	Mailing: 126 N Crater Rd Petg., VA
Michelle McKeever Davis – 104 N Crater Rd	5125 Bayview Dr Richmond, VA 23234
Luz Jimenez – 613 Taylor Street	P.O. Box 1811 Petersburg, VA 23805
India N. Miles – 609 Taylor Street	609 Taylor Street, Petersburg, VA 23805
Pivotclear LLC – 605 Taylor Street	1750 Tysons Blvd Ste 1500, McLean, VA 22102
James Herbert & Elizabeth S Williams – 32 N Crater Rd	11021 Easy St. Disputanta, VA 23842
Sterling Properties LLC – 25 N Little Church St., Petersburg, Virginia	SAME
Beth Yeshua For All People - 23 N Crater Rd., Petersburg, VA 23803	SAME
V.A.T. Properties LLC – 33 & 41 N Crater Rd	P.O. Box 331, Chesterfield, VA 23832
Harold E. Brown III – 37 Crater Rd	56 Grayson Street Petersburg, VA 23803
Ruben C Lopez – 717 Taylor Street	4431 Waldor Dr Richmond, VA 23234
Harold E Brown III – 711 Taylor Street	56 Grayson St Petersburg, VA 23803
VAMAC INC - 101 Crater Rd	P.O. Box 11225 Richmond, VA 23803
Karen J Smith – 115 Crater Road	729 Taylor Street Petersburg, VA 23803
Colonial Realty & Finance LLC – 700 Bank St	316 Blvd Colonial Heights, VA 23834
Joseph Floyd & Joe McNamara – 138 N Crater Rd	126 N Crater Rd Petersburg, VA 23803
Jocelyn & Stanley B. Gaskins Jr. – 122 Crater Rd	120-122 N Crater Rd Petersburg, VA 23803
Joseph M. Floyd – 124 Crater Road	126 N Crater Rd, Petersburg, VA 23803

Property Owner(s): Adjacent to Affected Property

Address(es)

[illegible]

For additional names, use back of sheet

PIN: 012-110010

PIN: 012-110009

Prepared By:
THOMAS P. CHELSEA, ESQ.

VS# No. 16689
3311 Jockey and
Colonial Highway, VA 23831

CONSIDERATION: \$ 120,000.00

ASSESSED VALUE: \$ 96,700.00

TITLE INSURER: NONE

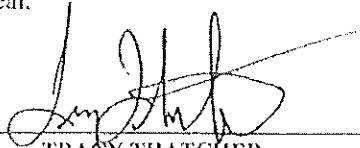
THIS DEED, made this 14th day of February, 2023 by and between TRACY THATCHER, also known as TRACY TODD THATCHER, Grantor and party of the first part, and S SHAH PROPERTIES LLC, a Virginia limited liability company, Grantee and party of the second part, and whose address is 10376 James Madison Parkway, King George, VA 22485.

WITNESSETH: That for and in consideration of TEN DOLLARS (\$10.00) and other valuable consideration, cash in hand paid, the receipt of which is hereby acknowledged, the said party of the first part does hereby grant and convey with *GENERAL WARRANTY* and *ENGLISH COVENANTS OF TITLE* except as hereinafter set forth, unto the said S SHAH PROPERTIES LLC, a Virginia limited liability company, in fee simple, the following described real property, to-wit:

SEE SCHEDULE "A" ATTACHED HERETO

This conveyance is made subject to all conditions, easements, restrictions, reservations and agreements of record to the extent that they may lawfully apply.

WITNESS the following signature and seal.



TRACY THATCHER, (SEAL)
a/k/a Tracy Todd Thatcher

STATE OF VIRGINIA

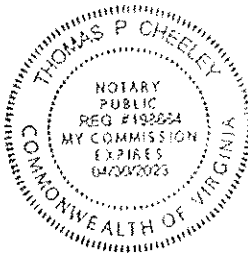
City of COLONIAL HEIGHTS, to-wit:

The foregoing instrument was acknowledged before me on this 14th day of February,
2022, by TRACY THATCHER, a/k/a TRACY TODD THATCHER.

My commission expires: APRIL 30, 2023

Notary Registration No. 198664


Notary Public



SCHEDULE "A"

PARCEL ONE: PIN: 012-110010

ALL that certain lot or parcel of land with the improvements thereon and appurtenances thereto belonging, lying in the City of Petersburg, Virginia, bearing the current City Street Number 112 North Crater Road, designated as a part of Lot No. Eighteen (18) on a plat of New Blandford, recorded in the Clerk's Office of the Circuit Court of the City of Petersburg, Virginia, in Plat Book 1, as Plat No. 49.

BEING the same property that was conveyed to Tracy Thatcher by Deed from WAL, Inc., a Virginia corporation, dated June 4, 2021 and recorded June 16, 2021, in the Circuit Court Clerk's Office of the City of Petersburg, Virginia as Instrument No. 210001920.

PARCEL TWO: PIN: 012-110009

ALL that certain lot or parcel of land with improvements thereon and appurtenances thereto belonging, being and situate on the west side of Crater Road, formerly Main Street, in that part of the City of Petersburg, Virginia, called Blandford, on which said street said lot of land fronts twenty (20) feet and nine (9) inches, and from which it extends back westwardly eighty (80) feet, said lot of land being bounded on the east by said Crater Road, on the south by the land now or formerly belonging to James Meyers, and on the west and north by land formerly owned by Samuel T. Smith.

BEING the same property that was conveyed to Tracy Todd Thatcher by Special Commissioner's Deed dated February 28, 2022 from N. Reid Broughton, Esq., Special Commissioner, on behalf of Guillermo Roviralta and Angela Roviralta, and which Deed is of record in the Circuit Court Clerk's Office of the City of Petersburg, Virginia as Instrument No. 202204760.

INSTRUMENT 202300548
RECORDED IN THE CLERK'S OFFICE OF
PETERSBURG CIRCUIT COURT ON
FEBRUARY 17, 2023 AT 02:58 PM
\$120.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$60.00 LOCAL: \$60.00
MAYTEE E. PARHAM, CLERK
RECORDED BY: CXW

Petersburg, Virginia

Parcel:

012110010

Summary

Owner Name	S SHAH PROPERTIES LLC	National Historic District:	
Owner Mailing Address	10376 JAMES MADISON PKWY KING GEORGE, VA 22485	Enterprise Zone:	Yes
Property Use	319	Opportunity Zone:	51730810100
State Class:	3 Multi Family	VA Senate District:	16
Zoning:	B-2	Va House District:	63
Property Address	112 CRATER RD Petersburg, VA	Congressional District:	4
Legal Acreage:	.335	City Ward:	4
Legal Description:	NEW BLANDFORD PT LT 18	Polling Place:	Union Train Station
Subdivision:	New Blandford	Primary Service Area:	
Assessment Neighborhood Name:		Census Tract:	8101
Local Historic District:		Elementary School:	Lakemont
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

Improvements

Finished (Above Grade):	656	Shed:	120
Basement:		Total Rooms:	
Attached Garage:		Bedrooms:	
Detached Garage:		Full Baths:	1
Enclosed Porch:		Half Baths:	
Open Porch:		Foundation:	
Deck/Patio:		Central A/C:	

Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
THATCHER, TRACY	2/17/2023	\$120,000	2023/0548
WAL INC,	6/16/2021	\$92,500	2021/1920
	8/22/2006	\$40,000	2006/4214

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	\$42,000	\$42,000	\$42,000	\$42,000	\$42,000
Improvement Value	\$54,700	\$54,700	\$54,700	\$54,700	\$54,700
Total Value	\$96,700	\$96,700	\$96,700	\$96,700	\$96,700

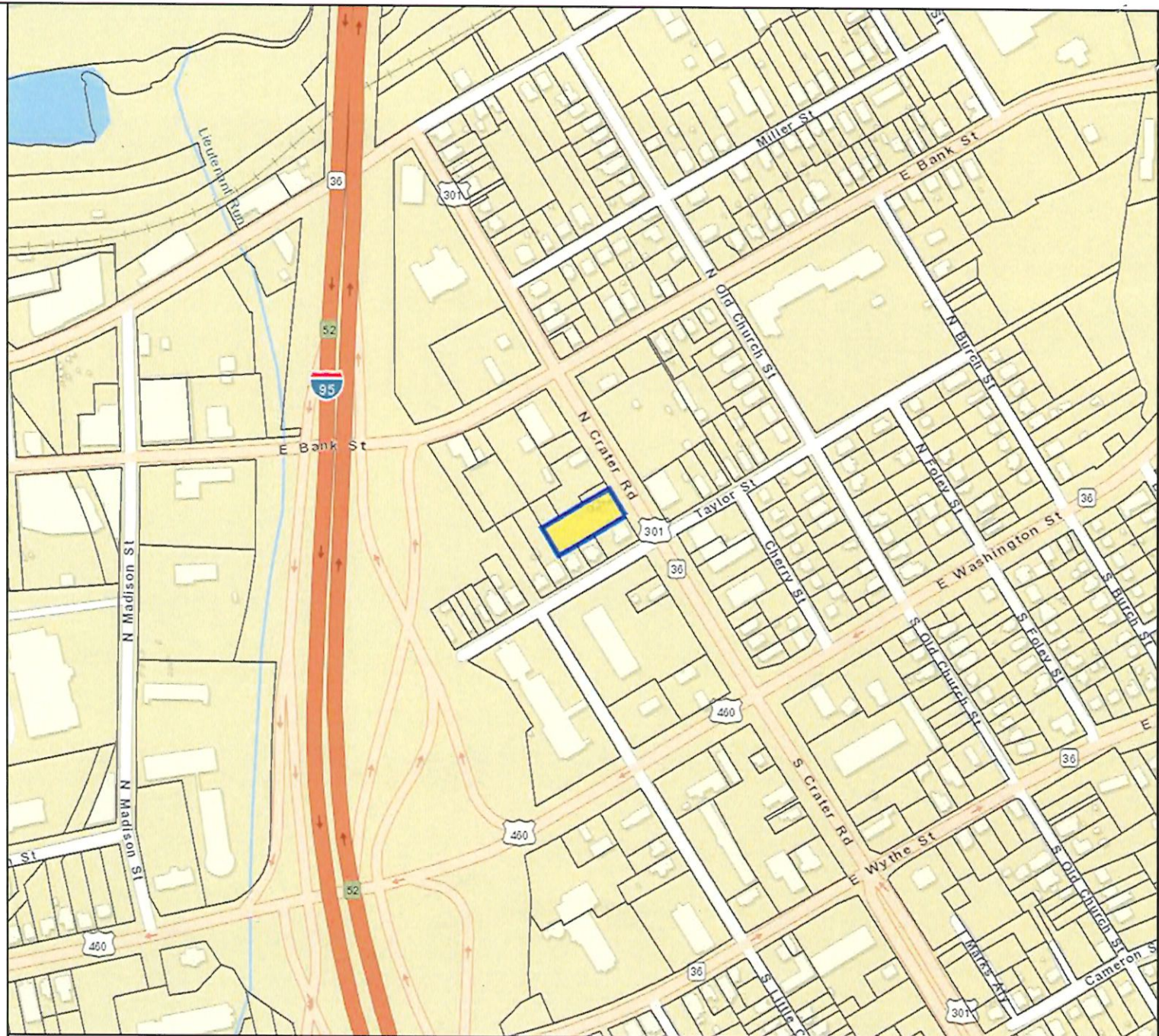
Property Tax (Coming Soon)

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Petersburg, Virginia

Legend

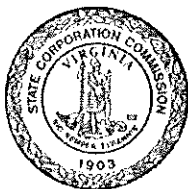
- County Boundaries
- Parcels



Parcel #: 012110010

Date: 9/11/2023

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.



COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

Office of the Clerk

July 9, 2022

SYED MUDASHER SHAH
210 E WASHINGTON ST
Petersburg, VA, 23803

RECEIPT

RE: S SHAH PROPERTIES LLC
ID: 11409692
FILING NO: 2207094724301
WORK ORDER NO: 202207092872794

Dear Customer:

This is your receipt for \$100.00 to cover the fee for filing articles of organization for a limited liability company with this office.

The effective date of the certificate of organization is July 9, 2022.

If you have any questions, please call (804) 371-9733 or toll-free 1-866-722-2551.

Sincerely,

Bernard J. Logan
Clerk of the Commission

Delivery Method: Email

**COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION**

AT RICHMOND, JULY 9, 2022

The State Corporation Commission has found the accompanying articles of organization submitted on behalf of

S SHAH PROPERTIES LLC

to comply with the requirements of law, and confirms payment of all required fees. Therefore, it is ORDERED that this

CERTIFICATE OF ORGANIZATION

be issued and admitted to record with the articles of organization in the Office of the Clerk of the Commission, effective July 9, 2022.

The limited liability company is granted the authority conferred on it by law in accordance with the articles of organization, subject to the conditions and restrictions imposed by law.

STATE CORPORATION COMMISSION

By

A handwritten signature in black ink, appearing to read "Judith Williams Jagdmann", written over a horizontal line.

Judith Williams Jagdmann
Commissioner

Commonwealth of Virginia



STATE CORPORATION COMMISSION

Richmond, July 9, 2022

This is to certify that the certificate of organization of

S SHAH PROPERTIES LLC

was this day issued and admitted to record in this office and that the said limited liability company is authorized to transact its business subject to all Virginia laws applicable to the company and its business.

Effective date: July 9, 2022



STATE CORPORATION COMMISSION

Attest:

A handwritten signature in cursive script, reading "Bernard J. Stoy".

Clerk of the Commission



**City of Petersburg
Petersburg, VA 23803
Department of Economic Development, Planning & Community
Development**

Customer Receipt
PAID

PAYOR'S NAME: Elite Auto Nation of Petersburg, LLC

Syed Shah

Amount Received:

\$ 150.00

Date:

9/11/2023

Form of Payment:

CHECK # 963

Purpose of Payment:

2023 – SPECIAL USE PERMIT

112 N. Crater Rd.

Parcel ID # 012110010

Zoned: "B-2", General Commercial District

Payment Received By: D. Porter

A handwritten signature in black ink, appearing to be "D. Porter", is written over the printed name.

Petersburg, Virginia

Parcel:

012110010

Summary

Owner Name	S SHAH PROPERTIES LLC	National Historic District:	
Owner Mailing Address	10376 JAMES MADISON PKWY KING GEORGE, VA 22485	Enterprise Zone:	Yes
Property Use	319	Opportunity Zone:	51730810100
State Class:	3 Multi Family	VA Senate District:	16
Zoning:	B-2	Va House District:	63
Property Address	112 CRATER RD Petersburg, VA	Congressional District:	4
Legal Acreage:	.335	City Ward:	4
Legal Description:	NEW BLANDFORD PT LT 18	Polling Place:	Union Train Station
Subdivision:	New Blandford	Primary Service Area:	
Assessment Neighborhood Name:		Census Tract:	8101
Local Historic District:		Elementary School:	Lakemont
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

Improvements

Finished (Above Grade):	656	Shed:	120
Basement:		Total Rooms:	
Attached Garage:		Bedrooms:	
Detached Garage:		Full Baths:	1
Enclosed Porch:		Half Baths:	
Open Porch:		Foundation:	
Deck/Patio:		Central A/C:	

Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
THATCHER, TRACY	2/17/2023	\$120,000	2023/0548
WAL INC,	6/16/2021	\$92,500	2021/1920
	8/22/2006	\$40,000	2006/4214

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	\$42,000	\$42,000	\$42,000	\$42,000	\$42,000
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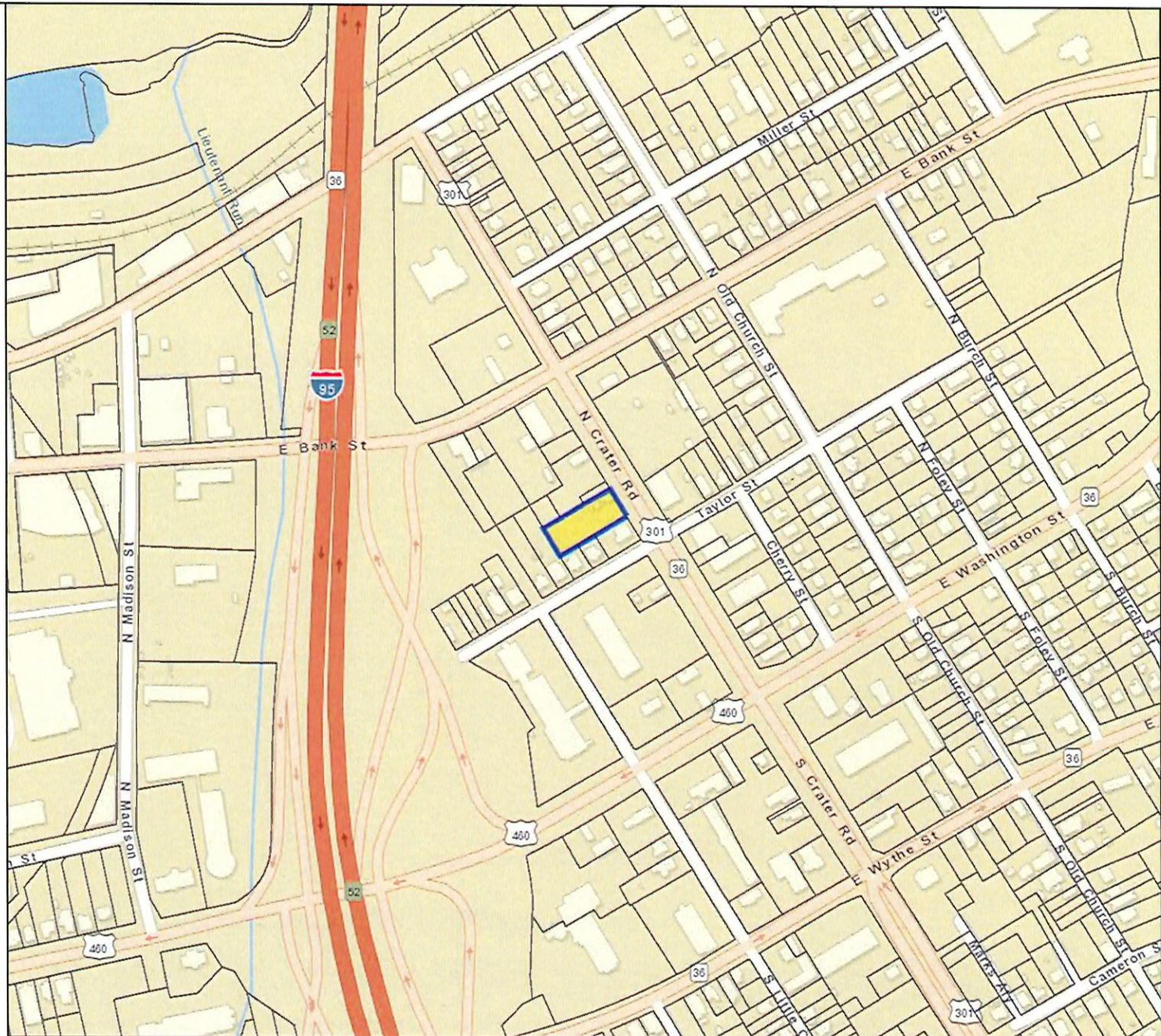
Property Tax (Coming Soon)

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Petersburg, Virginia

Legend

- County Boundaries
- Parcels



Parcel #: 012110010

Date: 10/4/2023

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Petersburg, Virginia

Parcel:

012110009

Summary

Owner Name	S SHAH PROPERTIES LLC	National Historic District:	
Owner Mailing Address	10376 JAMES MADISON PKWY KING GEORGE, VA 22485	Enterprise Zone:	Yes
Property Use	400	Opportunity Zone:	51730810100
State Class:	4 Commercial and Industrial	VA Senate District:	16
Zoning:	B-2	Va House District:	63
Property Address	114 CRATER RD Petersburg, VA	Congressional District:	4
Legal Acreage:	.038	City Ward:	4
Legal Description:	20.75 X 80	Polling Place:	Union Train Station
Subdivision:	N B	Primary Service Area:	
Assessment Neighborhood Name:		Census Tract:	8101
Local Historic District:		Elementary School:	Lakemont
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

Improvements

Finished (Above Grade):		Shed:	
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
THATCHER, TRACY TODD	2/17/2023	\$120,000	2023/0548
ROVIRALTA, GUILLERMO ANGELA	12/22/2022	\$4,180	2022/4760
	11/29/2007	\$4,500	2007/6417

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	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500
Improvement Value	\$	\$	\$	\$	\$
Total Value	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500

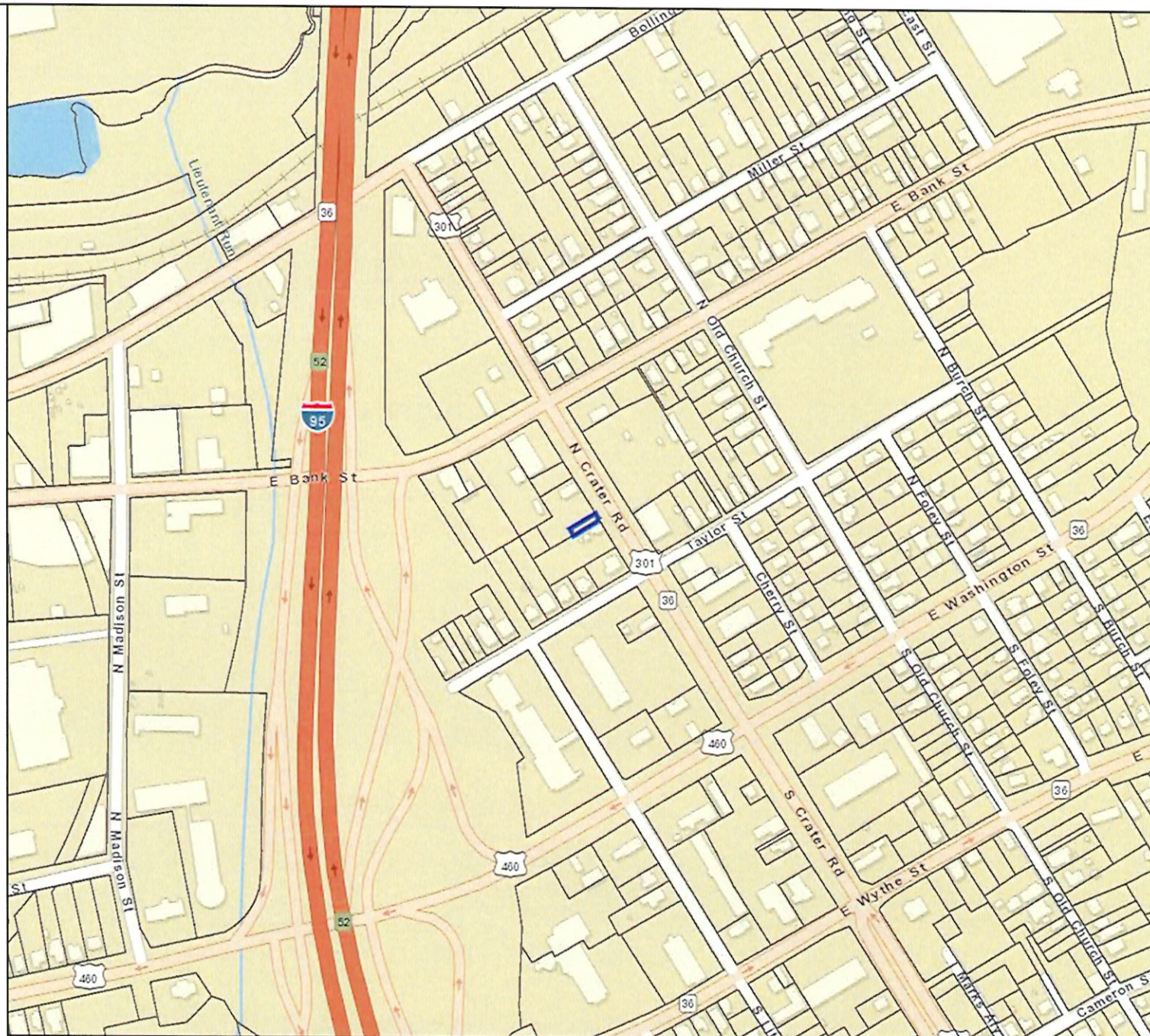
Property Tax (Coming Soon)

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Petersburg, Virginia

Legend

- County Boundaries
- Parcels



Parcel #: 012110009

Date: 10/4/2023

Feet
0 100 200 300 400
1:4,514 / 1"=376 Feet

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City of Petersburg

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

Sandra A Robinson
Zoning Administrator
804-733-2308
srobinson@petersburg-va.org

October 20, 2023

PLANNING COMMISSION NOTICE OF PUBLIC HEARING

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

Notice is hereby given to all interested persons the City of Petersburg Planning Commission will hold a public hearing on Thursday, November 2, 2023, beginning at 6:30 p.m. at the Petersburg Public Library, 201 W. Washington Street, Petersburg, Virginia 23803 located in the multi-purpose room.

2023-SUP-08: A Public Hearing and consideration of a request from Sayed Shah Owner, representative of S Shah Properties LLC. to obtain a Special Use Permit as provided for under Article 23, Supplementary Use Regulations-Special Uses. Section 4, Special Uses Enumerated. Item (22) of the Zoning Ordinance to establish 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. The subject property is located at 112 and 114 N. Crater Road, and further identified as Tax Parcel # 012110010 and 012110009. The Comprehensive Plan suggests this area is appropriate for commercial and residential uses. The property is zoned B-2, General Commercial District.

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

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

Naomi Siodmok,
Director of Planning & Community Development



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 2, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Naomi Siodmok

RE: Request and consideration of a public hearing from Barry Jones, owner, Capital City Homes, RVA, to rezone properties from M-1, Light Industrial, District to B-2, General Commercial, District with the intention of building eight (8) single-family dwellings. The properties are contiguous to one another and are vacant lots, addressed as follows: 901, 905, 909, 915, 921, 925, 929, 933 Commerce St and 208 N Dunlop Street and further identified respectively as 024140003, 024140005, 024140006, 024140007, 024140008, 024140009, 024140010, 024140011, 024140012, and 024140013. (Page 61)

PURPOSE: To rezone 901 905, 909, 915, 921, 925, 929, 933 Commerce St and 208 N Dunlop Street from M-1, Light Industrial, to B-2, General Commercial to construct eight single-family homes.

REASON: Rezoning request

RECOMMENDATION: Approval to rezoneo properties from M-1, Light Industrial, District to B-2, General Commercial, District with the intention of building eight (8) single-family dwellings.

BACKGROUND: See attachments.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 1/16/2024

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: Planning Commission

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. Staff Report 2023 REZ 06 Commerce St Parcels Packet



City of Petersburg

Department of Planning and
Community Development
804-733-2308

135 N. Union Street, Room 304
Petersburg, Virginia 23803

To: Mayor and Council

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

Date: January 2, 2024

Subject: 2023-REZ-06
Commerce Street - 901 905, 909, 915, 921, 925, 929, 933 Commerce St and 208 N Dunlop Street and further identified respectively as Tax Parcels: 024140003, 024140005, 024140006, 024140007, 024140008, 024140009, 024140010, 024140011, 024140012, and 024140013.

2023-REZ-06: A request by Barry Jones, owner, Capital City Homes, RVA, to rezone properties from M-1, Light Industrial District to B-2, General Commercial District. The properties are contiguous to one another and are vacant lots, addressed as follows: 901 905, 909, 915, 921, 925, 929, 933 Commerce St and 208 N Dunlop Street and further identified respectively as 024140003, 024140005, 024140006, 024140007, 024140008, 024140009, 024140010, 024140011, 024140012, and 024140013. The property has a public street frontage of approximately 400 ft and has approximately 40,000 sq ft lot area. If approved, the applicant will resubdivide ten (10) lots into eight (8) buildable, single-family residential lots.

The applicants request to rezone these vacant lots from M-1 to B-2 is consistent with the Comprehensive Plan as shown in the map below:



The desire to build single-family residential is a permitted use in the B-2 and could encourage a variety of mixed use and mixed income development within communities/neighborhoods.

Allowing construction of single-family residences will further eliminate the potential of blight on vacant, or deteriorated property.

I. Surrounding Conditions

The subject property is currently zoned M-1, Light Industrial District and surrounding properties located along the North, East, West and South side of the subject property are zoned PUD – Planned Unit Development District, M-1, Light Industrial District, R-3, Two-Family Residence, B-2, General Commercial District. Current uses located within the area of the subject property include business and commercial uses, churches, auto repair, automobile sells, barber & beauty salons to name a few. Each of the multifamily developments resulted from the adaptive reuse of an existing industrial or commercial structure and was rezoned to their present zoning classifications excluding those which carried a B-2, General Commercial designation as multi-family usage was a by-right use until March 2023.



II. Findings

- A. The 2014 Comprehensive Plan designates the subject property as commercial and surrounding property for Low Density Residential usage. Adjacent property now owned by Tri-Cities Habitat for Humanity is designated as Light Industrial.
- B. The property is currently designated as M-1, Light Industrial District which disallows Single-Family Residential development use, as a by-right use. The area has transitioned with the development of multifamily dwellings/apartments in the immediate area of the subject property.
- C. The uses mentioned under the newly proposed zoning district will encourage appropriate and compatible residential activity and remain in keeping with the existing and future land uses.
- D. It is not believed that the proposed location will pose a burden to the existing neighborhood or property owners as the existing property owners and businesses have been operating or living in this neighborhood for more than 20 years.

- E. The construction of single-family homes will be suitable and consistent development for the area and will provide tax dollars to the city, in addition, to cleaning up vacant parcels of land and will encourage other owners to reinvest in their properties and the community.
- F. As of the preparation of this report, our office has received one concern by phone from the owner of 214 and 301 N Dunlop Street about the request.

III. Statement of Law

Zoning is a legislative process by which a local government classifies land within the community into areas and districts referred to as zones. Zoning regulates building and structure dimensions, design, placement, and use. Zoning generally follows the land use designations set forth in a comprehensive land use plan. (The Comprehensive Plan)

The request to rezone the subject properties is in alignment with the City's current Comprehensive Plan 2014 and Draft Comprehensive Plan 2040 version which depicts the properties designation as commercial. Properties zoned under a B-2, General Commercial District classification allows by-right usage of property for single-family residential purposes. There are several properties located along Commerce, Hinton, Dunlop, and West Street. The area has seen enormous changes by the approving of adjacent properties under PUD, Planned Unit Development rezoning classifications to permit multifamily development through an adaptive reuse/rehabilitation process. By doing so the area has changed and permits residential housing although not single-family it is a housing type.

ARTICLE 17. "M-1" LIGHT INDUSTRIAL DISTRICT REGULATIONS

Section 2. Use regulations.

A building or premises shall be used only for the following purposes:

(1) Any use permitted in the "B-2" General Commercial District, except dwellings, hospitals, institutions, or other buildings used for permanent or temporary housing of persons, except as described in (a) and (b) of this subsection, below:

(a) Dwellings for resident watchmen and caretakers employed on the premises.

(b) Accessory farm dwellings on a farm of ten (10) acres or more.

As shown above, under the M-1, Light Industrial District designation, residential usage is not permitted unless an individual meets one of the above-mentioned stipulations.

IV. Recommendation

Planning Commission recommended approval on 12/7/2023.

The Department of Planning & Community Development recommends approval of the request to rezone all properties noted within the application proposal for the development and construction of Eight (8) single-family dwelling units per an approved subdivision plan.

V. Exhibits

- 1) Presentation
- 2) Ordinance
- 3) Applicant's Petition
- 4) Tax Parcel Map Extract

CITY COUNCIL

JANUARY 2,
2024



2023-REZ-06

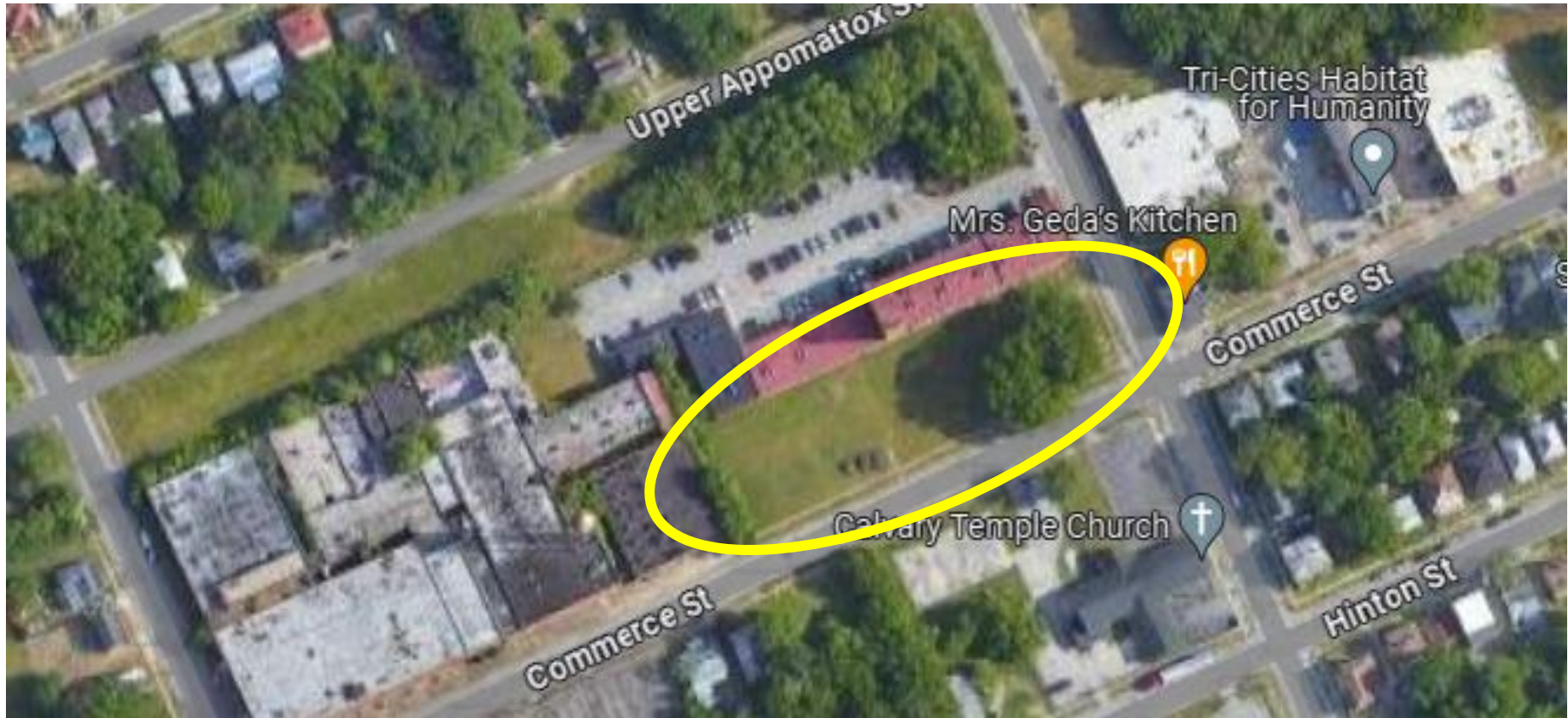
A request by Barry Jones, owner, Capital City Homes, RVA, to rezone properties from M-1, Light Industrial, District to B-2, General Commercial, District for 8 single family homes.

Background

Applicant: Barry Jones, owner, Capital City Homes, RVA

Request: Rezone properties from M-1, Light Industrial District to B-2, General Commercial District for eight, single family homes.

Location 901 905, 909, 915, 921, 925, 929,
933 Commerce St and 208 N Dunlop Street



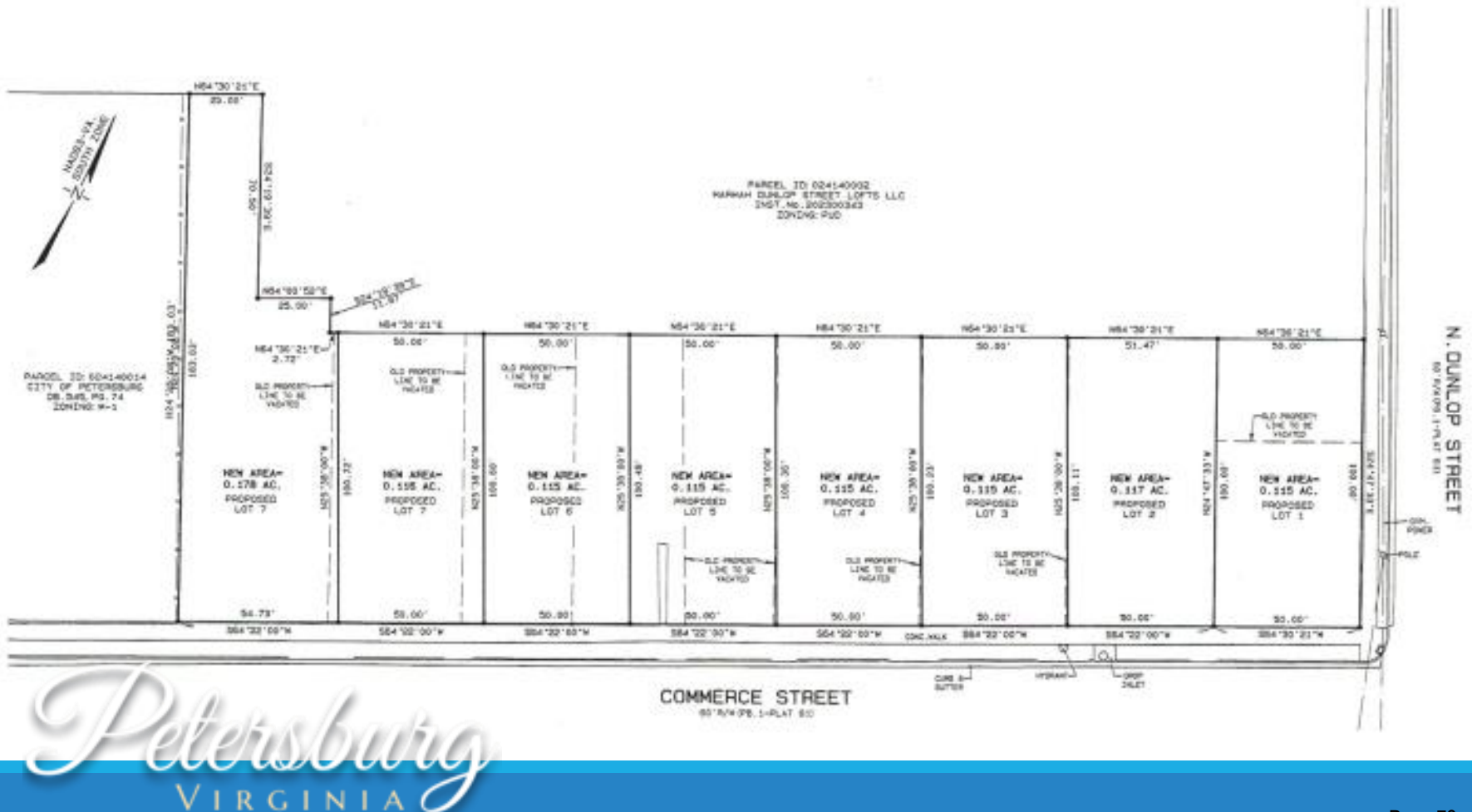
Zoning M-1, Light Industrial



Comprehensive Plan Commercial



Site Plan



Recommendation

Planning Commission Recommended approval 12/7/2023.

The Department of Planning & Community Development, recommends approval of the requested rezoning, since the request bring the properties in conformance with the Comprehensive Plan.

AN ORDINANCE APPROVING A PETITION TO REZONE PROPERTIES FROM M-1, LIGHT INDUSTRIAL, TO B-2, GENERAL COMMERCIAL. THE PROPERTIES ARE CONTIGUOUS AND ADDRESSED AS FOLLOWS: 901 905, 909, 915, 921, 925, 929, 933 COMMERCE ST AND 208 N DUNLOP STREET AND FURTHER IDENTIFIED RESPECTIVELY AS 024140003, 024140005, 024140006, 024140007, 024140008, 024140009, 024140010, 024140011, 024140012, AND 024140013.

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

WHEREAS, the City received a petition by Barry Jones, owner, Capital City Homes, RVA, to rezone properties from M-1, Light Industrial, District to B-2, General Commercial, District; and

WHEREAS, the properties are contiguous and addressed as follows: 901 905, 909, 915, 921, 925, 929, 933 Commerce Street and 208 N Dunlop Street and further identified respectively as 024140003, 024140005, 024140006, 024140007, 024140008, 024140009, 024140010, 024140011, 024140012, and 024140013; and

WHEREAS, the Comprehensive Plan Future Land Use Map identifies the properties as commercial, so the request for B-2 zoning is consistent with the plan; and

WHEREAS, the proposed use of eight, single-family homes are consistent with the uses permitted in the B-2, General Commercial, District; 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 denial of the SUP, and the public hearing was advertised, in accordance with applicable laws.

NOW THEREFORE BE IT RESOLVED that City Council approves the rezoning request from M-1 to B-2 for 901 905, 909, 915, 921, 925, 929, 933 Commerce Street and 208 N Dunlap Street.

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-REZ-06

APPLICANT:

Barry Jones (Capital City Homes)

ADDRESS:

788 Cedar Run Trail
Marbleton Sabet VA 23103

I, Barry Jones (Capital City Homes) hereby petition to rezone the following described properties
from zoning district M-1 to zoning district B-2c

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

Build 8 single family homes

B. PROPERTY INFORMATION

1. Tax Parcel Identification Number(s):

024140003, 024140005, 024140006, 024140007, 024140008, 024140009
024140010, 024140011, 024140012, 024140013

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

901, 905, 909, 915, 919, 921, 925, 929, 933 Commerce St.
208 N. Dunlap St

3. Approximate Area:

40,000

sq. ft.

.92 app.

acres

4. Public Street Frontage:

app. 400

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).

Property is currently vacant and is in an area that is mainly residential. Changing it from M-1 to R-2 will fit the area + also provide needed housing.

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

The proposed rezoning will not be detrimental to the community. Adding much needed single family houses in an already largely residential neighborhood should not negatively impact adjacent property owners.

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 rezoning will take a vacant lot + turn it into housing. Additional housing will bring in new tax revenue.

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

We currently own the property that is being proposed for rezoning. We believe that changing it to R-2 will be the best use for the property instead of it just sitting vacant.

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:

Banyan

Mailing Address:

788 Cedar Run Trail
Marathon Sabet VA 23103

Phone Number:

804 283-1725

Email Address:

Capitalcityhomes22@gmail.com

APPROVED

City Attorney

TO BE FILED IN THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ACTION RECORD

Date Filed (with Planning Department):

10-20-2023

Date of Planning Commission Public Hearing:

12-7-2023

Planning Commission Action(s):

Date of City Council Hearing:

City Council Action(s):

PC. AD Dates: 11-22-2023 + 11-29-2023

PETITION FOR ZONING CHANGE

Property Owner(s): Adjacent to Affected Property

NAME(S)

Address(es)

MT Calvary Church

110 N. Dunlap st
Petersburg VA 23803

Crissy Royall

908 Commerce st
Petersburg VA 23803
Mailing Address
P.O. Box 37388
N. Chesterfield VA 23234

Vega Darbin + Daniel Giton

934 Commerce st
Petersburg VA 23803
mailing address
4044 Dorette Dr.
N. Chesterfield VA 23237

House of Restoration

930 Commerce st
Petersburg VA 23803
Mailing address
P.O. Box 2489
Petersburg VA 23804

PETITION FOR ZONING CHANGE

Property Owner(s): Adjacent to Affected Property

NAME(S)

Address(es)

JL Empire Homes LLC

944 Commerce St

Petersburg VA 23803

Mailing Address

7109 Dexter Rd

Richmond VA 23226

Gillian Odell

940 Commerce St

Petersburg VA 23803

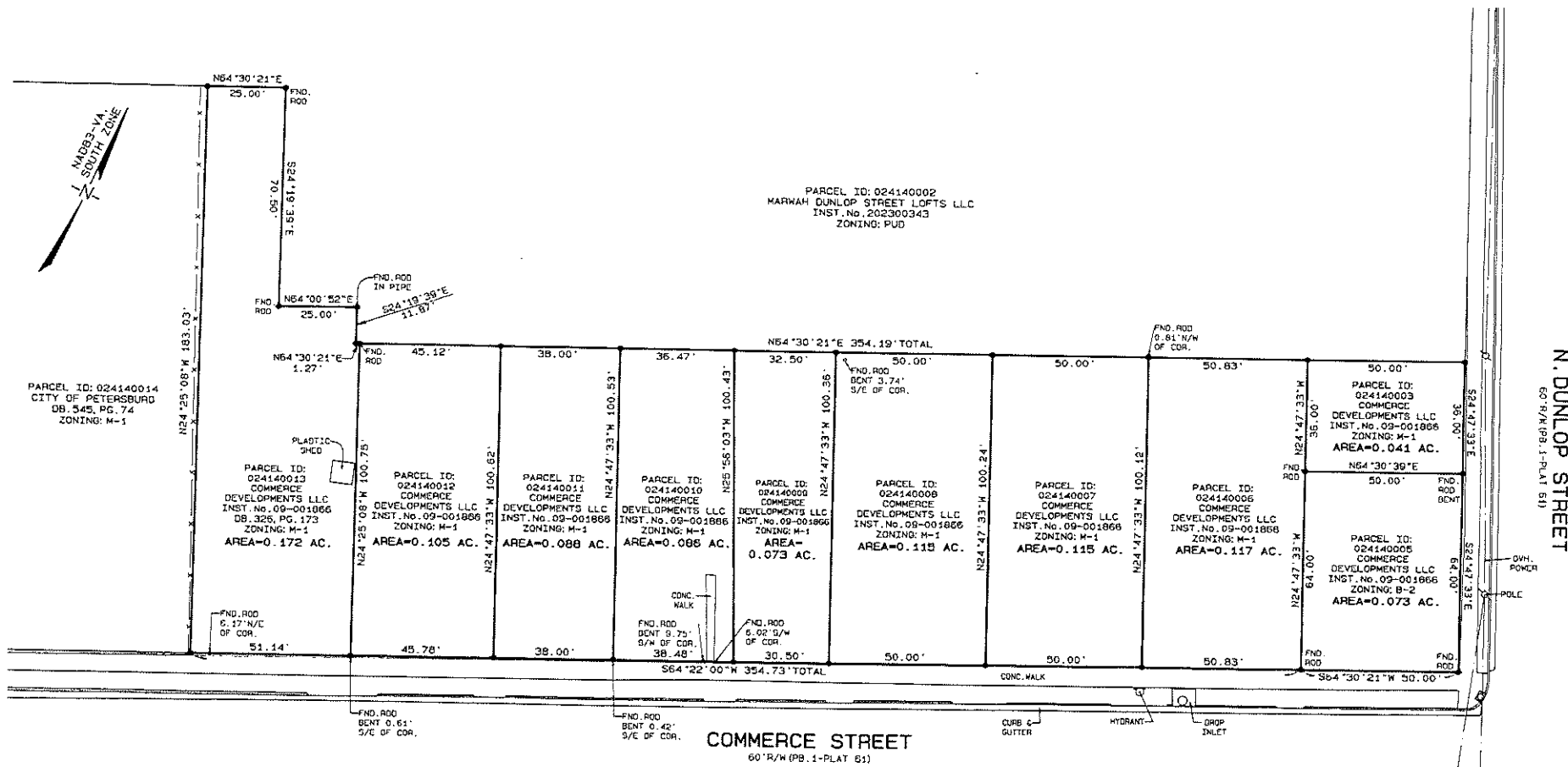
Petersburg Lofts Richmond Dunlap Street LLC 214 N. Dunlap St
Petersburg VA 23803

Mailing Address

P.O. Box 92129

Southlake TX 76092

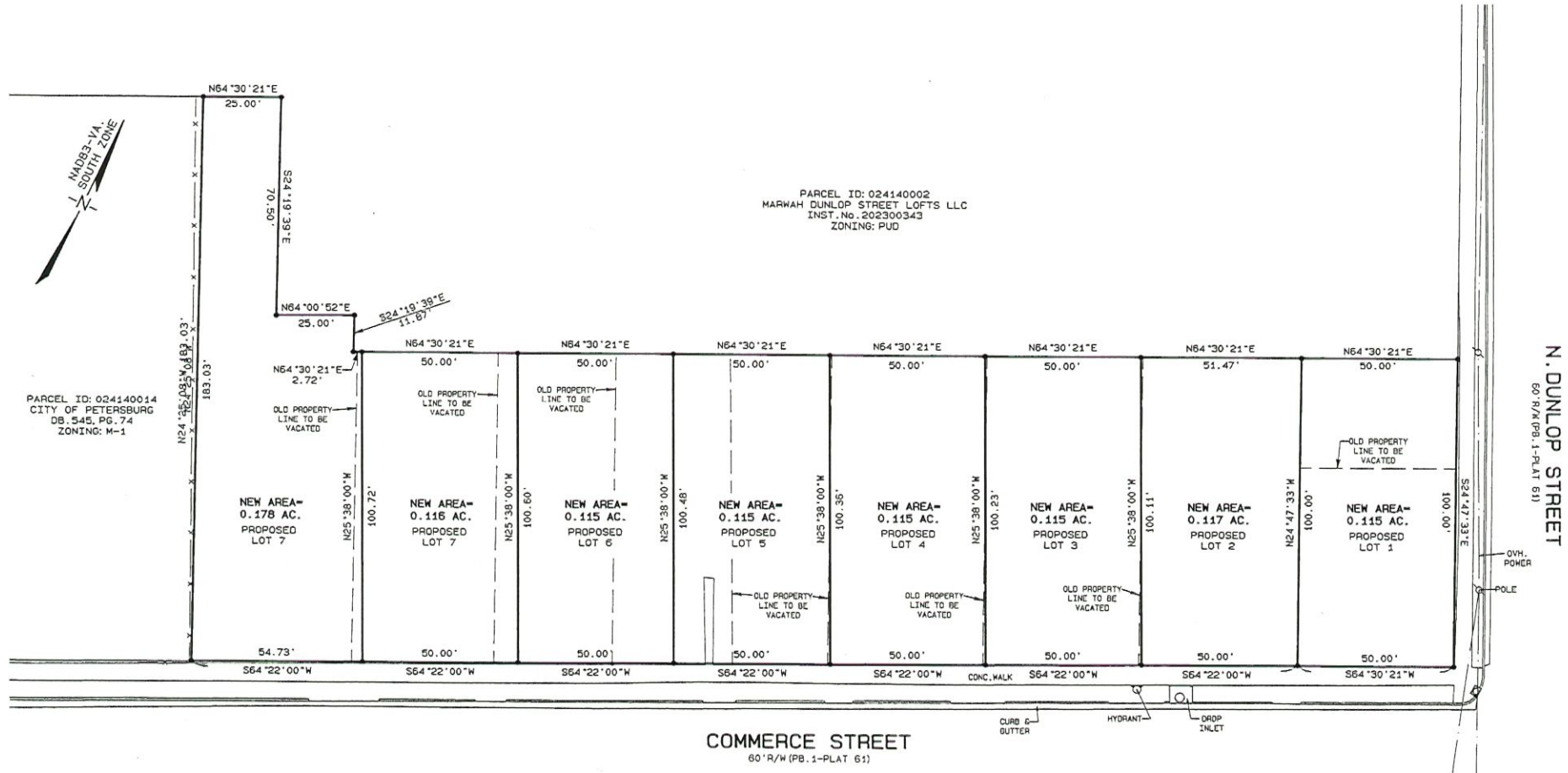
THIS PROPERTY APPEARS TO FALL WITHIN ZONE "X" AS SHOWN ON FIRM FLOOD INSURANCE RATE MAP. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.



N. DUNLOP STREET

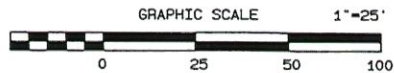
PLAT OF PROPERTIES SITUATED ON THE NORTHERN
LINE OF COMMERCE STREET AND THE WESTERN LINE
OF N. DUNLOP STREET
CITY OF PETERSBURG, VIRGINIA

THIS PROPERTY APPEARS TO FALL WITHIN ZONE 'X' AS SHOWN ON FIRM FLOOD INSURANCE RATE MAP.
THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.



REZONING PLAT

PLAT OF PROPERTIES SITUATED ON THE NORTHERN
LINE OF COMMERCE STREET AND THE WESTERN LINE
OF N. DUNLOP STREET
CITY OF PETERSBURG, VIRGINIA



I HEREBY CERTIFY THAT THIS SURVEY, TO THE BEST OF MY 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, LANDSCAPE ARCHITECTS AND CERTIFIED INTERIOR DESIGNERS.

ENGINEERING DESIGN ASSOCIATES, INC.
P.O. BOX 50067 RICHMOND, VIRGINIA 23250 (804) 238-0190
DATE: OCT. 18, 2023 SCALE: 1"= 25' JOB No: 2023-371



City of Petersburg

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

Sandra A Robinson
Zoning Administrator
804-733-2308
srobinson@petersburg-va.org

November 22, 2023

PLANNING COMMISSION NOTICE OF PUBLIC HEARING

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

Notice is hereby given to all interested persons the City of Petersburg Planning Commission will hold a public hearing on Thursday, December 7, 2023, beginning at 6:30 p.m. at the Petersburg Public Library, 201 W. Washington Street, Petersburg, Virginia 23803 located in the multi-purpose room.

2023 REZ-06: A Public Hearing for a request by Barry Jones, owner and representative of Capital City Homes to rezone properties from M-1, Light Industrial District to B-2, General Commercial District to allow for the construction of 8 single family dwellings on the properties addressed as 901, 905, 909, 915, 919, 921, 925, 929 and 933 Commerce St and 208 N Dunlop Street and further identified as TP # 024140003, 024140005, 024140006, 024140007, 024140008, 024140009, 024140010, 024140011, 024140012 and 024140013. These parcels are zoned M-1, Light Industrial District. 901 Commerce St is zoned, B-2, General Commercial District. The subject properties that are designated under an M-1 zoning classification does not permit for residential usage.

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

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

Naomi Siodmok,
Director of Planning & Community Development



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 2, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Naomi Siodmok

RE: A request to schedule a public hearing and the consideration of an ordinance to amend and re-adopt Article 24 Nonconforming Uses and Article 25 Supplementary Height, Area and Bulk Regulations, as set forth in the Zoning Ordinance of the City of Petersburg and as requested by the Planning Commission, to allow the rehabilitation and continuation of residential structures and four-units or less with a certificate of nonconforming use, development of nonconforming lots, and the rehabilitation of existing neighborhood commercial structures with a certificate of nonconforming use. (Page 83)

PURPOSE: This text amendment is proposed to support the rehabilitation and continuation of existing residential structures (duplexes, triplexes, and quadplexes) and existing neighborhood commercial structures. This amendment also supports the retention of residential structures with more than one unit that have existed for over three years without violations. These approvals would be through an administrative process that requires supporting documents for the applicant to receive a certificate of nonconforming use. This text also makes existing, nonconforming lots developable and structures on nonconforming lots open to expansion.

REASON: 1) To support the rehabilitation of blighted properties.
 2) Support housing that is affordable by design.
 3) Create housing opportunities for diverse residents with different price points and needs.
 4) Make ownership more affordable and make building equity accessible.
 5) For renters, make the community associated with a single-family neighborhood more attainable.

RECOMMENDATION: Approval of the ordinance to amend and re-adopt Article 24 Nonconforming Uses and Article 25 Supplementary Height, Area and Bulk Regulations.

BACKGROUND: The City of Petersburg has seen an influx of building permits to renovate existing structures that have been vacant for years and do not conform with the existing zoning designation. Per Article 24, Section 3, If any nonconforming use is discontinued for a period of two years ... it shall lose its nonconforming status and any further use shall conform to the provisions of the zoning ordinance. With that, existing duplexes, triplexes, and quadplexes have been required to reduce their density, most often to single-family, to be suitable for redevelopment.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: Property taxes from rehabilitated properties, taxes from new business establishments.

CITY COUNCIL HEARING DATE: 1/16/2024

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: Planning Commission, Architectural Review Board

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. 2023-ZTA-01 Nonconforming Uses and Supplementary Regulations Amendment - Packet - Council



City of Petersburg

Department of Planning and Community Development

135 N Union St, Room 304

Petersburg, VA 23803

(804) 733-2308

MEMORANDUM

DATE: January 2, 2024

TO: City Council

FROM: Planning Commission

RE: 2023-ZTA-01: A Public Hearing and consideration of an ordinance from the Planning Commission to amend and readopt Article 24 Nonconforming Uses and Article 25 Supplementary Height, Area, and Bulk Regulations, as set forth in the Zoning Ordinance of the City of Petersburg, to allow the rehabilitation and continuation of residential structures with four-units or less with a certificate of nonconforming use, development of nonconforming lots, and existing neighborhood commercial structures with a certificate of nonconforming use.

SUMMARY: This text amendment is proposed to support the rehabilitation and continuation of existing residential structures (duplexes, triplexes, and quadplexes) and existing neighborhood commercial structures. This amendment also supports the retention of residential structures with more than one unit that have existed for over three years without violations. These approvals would be through an administrative process that requires supporting documents for the applicant to receive a certificate of nonconforming use. This text also makes existing, nonconforming lots developable and structures on nonconforming lots open to expansion.

BACKGROUND: The City of Petersburg has seen an influx of building permits to renovate existing structures that have been vacant for years and do not conform with the existing zoning designation. Per Article 24, Section 3, *If any nonconforming use is discontinued for a period of two years ... it shall lose its nonconforming status and any further use shall conform to the provisions of the zoning ordinance.*

With that, existing duplexes, triplexes, and quadplexes have been required to reduce their density, most often to single-family, to be suitable for redevelopment. This has put some

renovations completely on hold, which has stifled the removal of blight, and has required other structures to become single-family homes.

Some properties that have not been able to renovate to their existing density within the past year include the following:

- 932-34 Priam Street (This project is on hold due to the inability to rehabilitate the duplex)
- 1004 McKenzie Street (This project is on hold due to the inability to rehabilitate the duplex)
- 1009 W High Street (This project is on hold due to the inability to rehabilitate the duplex)
- 1138-1140 West High Street (Required to look like a duplex per Architectural Review Board, but operates as a single-family home per zoning)
- 622 – 624 Independence Avenue (This project is on hold due to the inability to rehabilitate the duplex)
- 1002 High Pearl Street (Required to block one of the doors to operate as a single-family home)

This article also impacts existing commercial spaces in residential areas that have been vacant for over two years. This text amendment seeks to allow neighborhood commercial uses within existing commercial structures through the application for a certificate of nonconforming use/structure.

RECOMMENDATION: Staff recommend approval of the proposed text amendments. Planning Commission on 11/2/2023, recommended approval.

ATTACHMENTS

Presentation

Ordinance

Article 24. Nonconforming Uses – Revised.

Article 25. Supplementary Height, Area, and Bulk Regulations – Revised.

CITY COUNCIL
MEETING

January 2, 2024



2023-ZTA-01: A Public Hearing and consideration of an ordinance presented by the Planning Commission to amend and readopt Article 24 Nonconforming Uses and Article 25 Supplementary Height, Area, and Bulk Regulations, as set forth in the Zoning Ordinance of the City of Petersburg to allow the rehabilitation and continuation of residential structures with four-units or less with a nonconforming use certificate, development of nonconforming lots, and reuse of existing neighborhood commercial structures with a certificate of nonconforming use.

Request

2023-ZTA-01: To allow the rehabilitation and continuation of residential structures with four-units or less, the development of nonconforming lots, and the reuse of existing neighborhood commercial structures with a certificate of nonconforming use.

Background

With new interest in Petersburg, homes that have sat vacant for years are attracting attention for rehabilitation.

If these structures do not conform with use and lot requirements (e.g., the building is a duplex, but does not have the required lot frontage for a duplex per the code), then the structure is considered nonconforming.

Per Article 24, Section 3, - *If any nonconforming use is discontinued for a period of two years ... it shall lose its nonconforming status and any further use shall conform to the provisions of the zoning ordinance.*

In this example, the home would have to convert to a single-family residence.

Impacts

With staff review and the proper documentation, this language could offer nonconforming use certificates to support:

- Rehabilitation of existing low-density housing (duplex – quadplex).
- Rehabilitation of existing neighborhood commercial structures.
- Continuation of low-density residential that has been operating for more than three-years without violations.
- Development of nonconforming lots for all uses.

Purpose Examples

1138-1140 West High Street (Before)



Example - 1138-1140 West High Street (After)



1138-1140 West High Street

Though the Architectural Review Board required the second door to remain to respect the historic structure, the functionality of the building was required to operate as a single-family home.

932-934 Priam Street



Project is on hold due to inability to rehab and maintain a duplex.

1004 McKenzie Street



Project is on hold due to inability to rehab and maintain a duplex.

1009 W High Street



Project is on hold due to inability to rehab and maintain a duplex.

622 – 624 Independence Ave



Project is on hold due to inability to rehab and maintain a duplex.

719 High St



If this were vacant for two-years, it could not come back.

Purpose Benefits

Benefits - Residential

- Supports the rehabilitation of blighted properties.
- Affordable by design.
- Creates housing opportunities for diverse residents with different price points and needs.
- Makes ownership more affordable and makes building equity accessible.
- For renters, makes the community associated with a single-family neighborhood more attainable.

Benefits - Commercial

- Supports the rehabilitation of blighted properties.
- Provide neighborhoods with easy access to services.
- Reduces vehicle trips.

Staff Recommendation

Staff recommends approval and readoption of the proposed text amendment to Article 24. Nonconforming Uses and Article 25. Supplementary Height, Area, and Bulk Regulations.

Proposed Language

ARTICLE 24. NONCONFORMING USES

Sec. 9. Establishment of nonconforming rights, certificate of nonconforming use.

Any person having a legal or equitable interest in a nonconforming use that is addressed in this section may apply for a certificate of nonconforming use by complying with the procedure set forth in this section. Upon issuance, a certificate of nonconforming use shall be evidence that the use designated therein is a legal nonconforming use at that time.

Sec. 9. Establishment of nonconforming rights, certificate of nonconforming use.

1. **Application.** Any person having a legal or equitable interest in a nonconforming use may file an application for a certificate of nonconforming use on a form approved by the Preservation Planner and Zoning Administrator.
2. **Nonconforming use establishment.**
 - a. Where an application seeks a certificate of nonconforming use to establish the legal nonconforming status of a use, the Zoning Administrator and Preservation Planner may issue or deny such certificate upon review of:
 - i. A certified survey,
 - ii. Building permits,
 - iii. Evidence that the structure was built with the express intent of this nonconforming use and has not been significantly altered from that nonconforming configuration since construction.
 - iv. Evidence that the current use has been in operation for more than three years,
 - v. Citations and violations,
 - vi. Supporting evidence such as photographs, Sanborn maps, assessors' records, and the like, and
 - vii. Other documentation that is deemed necessary or sufficient.

Sec. 9. Establishment of nonconforming rights, certificate of nonconforming use.

3. Eligible nonconforming use.

- a. **Single-, two-, three-, and four-family dwellings nonconforming as to use as established in Appendix B.** A single-, two-, three-, and four-family dwelling nonconforming as to use which has received a certificate pursuant to this section, shall not be subject to the termination of legal nonconforming use provisions of Article 24 Section 3. Additions to the structure associated with these uses are permissible so long as current use, height, and yards are not made to be nonconforming. If substantial alteration of a single-, two-, three-, and four-family dwelling results in demolition of the structure to include the foundation, the entire structure shall be subject to requirements applicable to a new structure. Should, at a minimum, foundations remain, the structure may be rebuilt to substantial conformity of that which was demolished.

Sec. 9. Establishment of nonconforming rights, certificate of nonconforming use.

- b. Neighborhood commercial establishments nonconforming as to use and parking as established in Appendix B.** Neighborhood commercial establishments nonconforming to use and parking that have received a certificate pursuant to this section, shall not be subject to the termination of legal nonconforming use provisions of Article 24 Section 3 but shall continue to be subject to the requirements that the structure shall not be enlarged, altered, or relocated in such a way as to increase use and parking nonconformities. The existing commercial floor area is not to be expanded, but is permitted to be utilized by the *Retail, shopkeeper, and commercial office* uses as outlined in Appendix B Article 18.1 Section 2. (b). Neighborhood commercial establishments that receive a certificate are further not subject to the parking requirements as outlined in Appendix B Article 19. Any residential components of these commercial establishments issued a certificate would be subject to Section 9.3.a. above.

Section 10. Permitted changes to nonconforming lots.

- 1. In any district, permitted structures may be erected on any nonconforming lot of record; provided that said lot is in separate ownership and not of continuous frontage with other lots in the same ownership which could be combined with said nonconforming lot to provide one or more lots which would comply with applicable set back and yard requirements.**
- 2. 2. In any district, existing permitted structures may be enlarged on any nonconforming lot of record; provided that it is in separate ownership and not of continuous frontage with other lots in the same ownership, and provided that the setback and yard requirements are met.**

Section 10. Permitted changes to nonconforming lots.

- 1. In any district, permitted structures may be erected on any nonconforming lot of record; provided that said lot is in separate ownership and not of continuous frontage with other lots in the same ownership which could be combined with said nonconforming lot to provide one or more lots which would comply with applicable set back and yard requirements.**
- 2. 2. In any district, existing permitted structures may be enlarged on any nonconforming lot of record; provided that it is in separate ownership and not of continuous frontage with other lots in the same ownership, and provided that the setback and yard requirements are met.**

Article 25. Supplementary Height, Area, and Bulk Regulations

Section 3. Modification of area regulations.

~~3.6. Lot area. Where a lot was of record prior to the application of zoning regulations and restrictions to the premises, and if such lot does not conform to the requirements of such regulations and restrictions as to the width of lots or lot area per family, the provisions of such lot area per family and lot width regulations and restrictions shall not prevent the owner of such lot from erecting a one-family dwelling or making other improvements on the lot; provided such improvements conform in all other respects to the applicable zoning regulations and restrictions. However, this section will not apply if the lot or lots in question were contiguous to another lot or lots of record owned by the same person at the time the more restrictive regulations became in force.~~

AN ORDINANCE AMENDING AND READOPTING ARTICLE 24 NONCONFORMING USES AND ARTICLE 25 SUPPLEMENTARY HEIGHT, AREA, AND BULK REGULATIONS, AS SET FORTH IN THE ZONING ORDINANCE OF THE CITY OF PETERSBURG, TO ALLOW THE REHABILITATION AND CONTINUATION OF RESIDENTIAL STRUCTURES WITH FOUR UNITS OR LESS AND EXISTING NEIGHBORHOOD COMMERCIAL STRUCTURES WITH A CERTIFICATE OF NONCONFORMING USE AS WELL AS DEVELOPMENT OF NONCONFORMING LOTS.

WHEREAS, the City of Petersburg Zoning Ordinance includes both Article 24. – Nonconforming Uses and Article 25. - Supplementary Height, Area, And Bulk Regulations; and

WHEREAS, the purpose of these sections are to regulate uses and lots; and

WHEREAS, The City of Petersburg has seen an influx of building permits to renovate existing structures that have been vacant for years and do not conform with the existing zoning designation; and

WHEREAS, the City Council seeks to support the rehabilitation of existing, low-density housing to support affordable housing by design, create housing ownership and rental opportunities, make low-density communities accessible to all, and make building equity accessible; and

WHEREAS, the City Council wishes to support the rehabilitation of existing neighborhood commercial structures to encourage the rehabilitation of blight, provide neighborhoods with easy access to services, and reduce vehicles trips; and

WHEREAS, the City Council seeks to allow the continuation of low-density residential that has been operating for more than three-years without violations to preserve housing diversity; and

WHEREAS, the City Council wishes to support the development of nonconforming lots for all uses to reduce barriers to redevelopment on account of lots being created prior to the establishment of the zoning ordinance; and

WHEREAS, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, this public hearing was advertised, in accordance with applicable laws.

NOW THEREFORE BE IT RESOLVED that City Council does hereby approve an ordinance amending and readopting Article 24. – Nonconforming Uses and Article 25. - Supplementary Height, Area, And Bulk Regulations as indicated in Exhibit A.

Appendix A

PART II - CODE
APPENDIX B - ZONING
ARTICLE 24. NONCONFORMING USES

ARTICLE 24. NONCONFORMING USES

Section 1. Purpose and intent.

The purpose of this article is to regulate nonconforming uses in a manner consistent with sound planning and zoning principles, and in conformity with state law. The general intent is that over time, nonconforming uses will be discontinued in favor of uses conforming to the zoning ordinance and the zoning map.

Section 2. Term defined.

The term "nonconforming use" shall mean any use, lot, building or structure that was lawful on the date of enactment of the zoning ordinance, or amendment thereto, which has been continued although otherwise unlawful by such enactment or amendment. Any use, lot, building, or structure that was lawful on the date of enactment of the zoning ordinance, or amendment thereto, shall remain lawful and shall ~~not~~ be a "nonconforming use."

Section 3. Termination of nonconforming uses.

A nonconforming use may continue as it existed when it became nonconforming, provided that it may not be changed, replaced, relocated, expanded in any manner, nor structurally altered, except as provided for in this article.

1. If any nonconforming use is discontinued for a period of two years, or for a period of less than two years if authorized by Virginia law, it shall lose its nonconforming status and any further use shall conform to the provisions of the zoning ordinance.
2. For the purposes of this article, cessation of a nonconforming use for the aforesaid period shall be conclusively presumed to establish discontinuance. The possession of a business license to conduct business upon a property shall not itself constitute proof of business activities on the premises.
3. Operation of only an accessory or incidental use to the principal nonconforming use during the two-year period shall not have the effect of continuing the principal nonconforming use.

Section 4. Destruction of a nonconforming use.

No building which has been damaged, by any cause whatsoever, to the extent of more than fifty (50%) percent of the fair market value of the building immediately prior to damage, shall be restored except in conformity with the regulations of this ordinance, and all rights as a nonconforming use are terminated. If a building is damaged by less than fifty (50%) percent of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or reconstruction be substantially completed within twelve (12) months of the date of such damage.

Section 5. Intermittent use.

The casual, intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use, and the existence of a nonconforming use on part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

Section 6. Existence of a nonconforming use.

Whether a nonconforming use exists shall be a question of fact and shall be decided by the Board of Zoning Appeals, after public notice and hearing, and in accordance with the rules of the board.

Section 7. Nonconforming uses not validated.

A nonconforming use in violation of a provision of the ordinance which this ordinance amends or repeals shall not be validated by the adoption of this ordinance.

Section 8. Permitted changes of nonconforming uses.

A nonconforming use may be changed, altered, repaired, restored, replaced, relocated, or expanded only in accordance with the provisions of this article and subject to the appropriate approvals (including, among others, verification of the nonconforming use by the Zoning Administrator, site plan approval, and building permit approval) otherwise required by law.

1. A nonconforming use may change to a conforming use.
2. A nonconforming building or structure may be repaired, provided such repair constitutes only routine maintenance necessary to keep the structure in the same general condition it was in when it originally became nonconforming.
3. A one-family residential structure which is nonconforming with respect to rear yard area or front, rear, or side yard setback requirements, but which otherwise conforms to the use requirements of the district in which it is located, may be expanded so long as additional nonconformities are not introduced. New or expanded residential accessory uses may be permitted subject to the provisions of the zoning ordinance, provided that all new or expanded accessory structures and uses shall meet all current zoning requirements, including height, yard requirements, and setbacks, for the zoning district in which located. In no case shall a nonconforming single-family dwelling be modified to accommodate additional dwelling units.

Section 9. Establishment of nonconforming rights, certificate of nonconforming use.

Any person having a legal or equitable interest in a nonconforming use that is addressed in this section may apply for a certificate of nonconforming use by complying with the procedure set forth in this section. Upon issuance, a certificate of nonconforming use shall be evidence that the use designated therein is a legal nonconforming use at that time.

1. **Application.** Any person having a legal or equitable interest in a nonconforming use may file an application for a certificate of nonconforming use on a form approved by the Preservation Planner and Zoning Administrator.
2. **Nonconforming use establishment.**
 - a. Where an application seeks a certificate of nonconforming use to establish the legal nonconforming status of a use, the Zoning Administrator and Preservation Planner may issue or deny such certificate upon review of:
 - i. A certified survey.
 - ii. Building permits.
 - iii. Evidence that the structure was built with the express intent of this nonconforming use and has not been significantly altered from that nonconforming configuration since construction.
 - iv. Evidence that the current use has been in operation for more than three years.

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- v. Citations and violations,
- vi. Supporting evidence such as photographs, Sanborn maps, assessors' records, and the like, and
- vii. Other documentation that is deemed necessary or sufficient.

3. Eligible nonconforming use.

- a. **Single-, two-, three-, and four-family dwellings nonconforming as to use as established in Appendix B.** A single-, two-, three-, and four-family dwelling nonconforming as to use which has received a certificate pursuant to this section, shall not be subject to the termination of legal nonconforming use provisions of Article 24 Section 3. Additions to the structure associated with these uses are permissible so long as current use, height, and yards are not made to be nonconforming. If substantial alteration of a single-, two-, three-, and four-family dwelling results in demolition of the structure to include the foundation, the entire structure shall be subject to requirements applicable to a new structure. Should, at a minimum, foundations remain, the structure may be rebuilt to substantial conformity of that which was demolished.
- b. **Neighborhood commercial establishments nonconforming as to use and parking as established in Appendix B.** Neighborhood commercial establishments nonconforming to use and parking that have received a certificate pursuant to this section, shall not be subject to the termination of legal nonconforming use provisions of Article 24 Section 3 but shall continue to be subject to the requirements that the structure shall not be enlarged, altered, or relocated in such a way as to increase use and parking nonconformities. The existing commercial floor area is not to be expanded, but is permitted to be utilized by the *Retail, shopkeeper, and commercial office* uses as outlined in Appendix B Article 18.1 Section 2. (b). Neighborhood commercial establishments that receive a certificate are further not subject to the parking requirements as outlined in Appendix B Article 19. Any residential components of these commercial establishments issued a certificate would be subject to Section 9.3.a. above.

Section 10. Permitted changes to nonconforming lots.

- 1. In any district, permitted structures may be erected on any nonconforming lot of record; provided that said lot is in separate ownership and not of continuous frontage with other lots in the same ownership which could be combined with said nonconforming lot to provide one or more lots which would comply with applicable set back and yard requirements.
- 2. In any district, existing permitted structures may be enlarged on any nonconforming lot of record; provided that it is in separate ownership and not of continuous frontage with other lots in the same ownership, and provided that the setback and yard requirements are met.

ARTICLE 25. SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS

Section 1. [Purpose.]

The regulations set forth in this section [article] qualify or supplement the district regulations appearing elsewhere in this ordinance.

Section 2. Modification of height regulations.

- (1) The height regulations as prescribed in this ordinance shall not apply to:
 - Belfries;
 - Chimneys;
 - Church spires;
 - Conveyors;
 - Cooling towers;
 - Elevator bulkheads;
 - Fire towers;
 - Flagpoles;
 - Monuments;
 - Ornamental towers and spires;
 - Smokestacks;
 - Stage towers or scenery lofts;
 - Water towers;
 - Tanks.
- (2) Public, semipublic, or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet, when the required side and rear yards are each increased by at least one foot for each one foot of additional building height above the height regulation for the district in which the building is located.
- (3) Manufacturing buildings located in the "M-2" Heavy Industrial district, on land parcels at or exceeding one hundred fifty (150) acres and used for gravity assisted processing, may erect to a height not exceeding one hundred seventy-five (175) feet, when such buildings are set back from any other contiguous zoning district by at least one foot for each one foot of additional building height above the height regulations for the "M-2" Industrial District.

Section 3. Modification of area regulations.

3.1. Yards generally.

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- (1) Whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required yard only.
 - (2) Every part of a required yard shall be open to the sky, except as authorized by this article; and ordinary projections of sills, belt courses, window air conditioning units, chimneys, cornices and ornamental features, which may project to a distance not to exceed twenty-four (24) inches into a required yard.
 - (3) Within a residence or office-apartment district, the least dimension of a yard upon which the principal entrances or exists of a multiple dwelling face shall be twenty (20) feet.
 - (4) Where a lot is used for a commercial or industrial purpose more than one main building may be located on the lot, but only when such buildings conform to all open space requirements around the lot for the district in which the lot is located.
 - (5) A bathroom not exceeding fifty (50) square feet in area may be constructed on the rear of an existing dwelling which does not have these sanitary facilities, provided the addition is at least ten (10) feet from the rear lot line and conforms to the side line requirements.
 - (6) On residential lots having a width of less than fifty (50) feet ~~and on record prior to November 20, 1947,~~ there shall be a side yard on each side of a building having a width of not less than ten (10) percent of the average width of the lot; provided, however, that such side yard shall not be less than three (3) feet.
 - (7) For housing projects involving the construction of several multiple-group dwellings on the same lot or parcel of land, in order to permit a more flexible placing of the buildings on the land and more desirable grouping of open spaces and such accessory facilities as recreation and parking areas, the following yard requirements shall apply:
 - (a) Front, side and rear yard requirements along the boundaries of the lot shall be in accordance with requirements previously established;
 - (b) Within the lot, minimum distances between main buildings, except Residential Town House Districts, shall be as follows:
 1. When buildings are front to front, not less than fifty (50) feet.
 2. When buildings are front to rear, not less than sixty (60) feet.
 3. When buildings are front to side, not less than fifty (50) feet.
 4. When buildings are side to side, rear to side, or rear to rear, not less than twenty (20) feet for one story buildings and not less than thirty (30) feet when one or both of the buildings are more than one story.

3.2. *Accessory buildings and structures.*

- (1) Except as herein provided, no accessory building shall project beyond a required yard line along any street.
- (2) Filling station pumps and pump islands may occupy the required yards; provided, however, that they are not less than fifteen (15) feet from the street lines.
- (3) One directional or name sign or sign advertising products sold on the premises may occupy required yards in a district where such sign is permitted by the use regulations of this ordinance; provided such sign is of not more than thirty (30) square feet in area, does not contain flashing, moving, or intermittent illumination; and provided the requirements of other city ordinances are complied with.
- (4) An ornamental fence or wall not more than three and one-half (3½) feet in height may project into or enclose any required front or side yard to a depth from the street line equal to the required depth of

the front yard. Ornamental fences or walls may project into or enclose other required yards, provided such fences and walls do not exceed a height of seven (7) feet.

- (5) Accessory, open and uncovered swimming pools and home barbecue grills may occupy a required rear yard, provided they are not located closer than five (5) feet to the rear lot line not closer than three (3) feet to a side lot line.
- (6) Accessory buildings which are not a part of the main building, although connected by an open breezeway, may be constructed in a rear yard; provided, such accessory building does not occupy more than twenty-five (25) percent of the area of the required rear yard; and provided, it is not located closer than eight (8) feet to the rear lot line nor closer than three (3) feet to a side lot line.

3.3. *Front yards.*

- (1) Where an official line has been established by the adopted major arterial plan, for the future widening or opening of a street upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line to the nearest line of the building.
- (2) On through lots, the required front yard shall be provided on each street.
- (3) Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard of fifteen (15) feet on the side street; provided, however, that the buildable width of a lot of record at the time of passage of this ordinance shall not be reduced to less than thirty-two (32) feet.
- (4) Open unenclosed porches, platforms or paved terraces, open or covered by a roof or canopy, and which do not extend above the level of the first floor of the building, may extend or project into the front yard not more than six (6) feet.
- (5) Where twenty-five (25) percent or more of the street frontage, or where twenty-five (25) percent or more of the street frontage within four hundred (400) feet, of the property in question is improved with buildings that have a front yard (with variation of six (6) feet or less) that is greater or less than the required front yard in the district, no building shall project beyond the average front yard so established; provided, however, that a depth of front yard of more than fifty (50) percent in excess of the depth of the required front yard in the district in which the lot is located shall not be required. Where forty (40) percent or more of the street frontage is improved with buildings that have no front yard, no front yard shall be required for the remainder of the street frontage.
- (6) All buildings hereinafter erected, or structurally altered so as to change the character of use of such building, shall observe the following setback requirements or the setbacks or front yard requirements set forth elsewhere in this ordinance, whichever is greater:
 - (a) Except as otherwise provided below, on Washington Street, the minimum setback shall be forty (40) feet, and on Sycamore Street south of Halifax Street, the minimum setback shall be forty-five (45) feet. (On Crater Road, between Graham Road and South Boulevard, the minimum setback on the west side shall be forty (40) feet and on the east side shall be ninety (90) feet for dwellings and sixty (60) feet for all other buildings.) On all other streets thirty (30) feet in width and less than sixty (60) feet in width the minimum setback shall be thirty (30) feet. The term "center line of the street" as used below, shall mean the center line which existed November 20, 1947.
 - (a-1) The minimum setback along U.S. Rout 301 (South Crater Road) from the Norfolk and Western Railway underpass south of Morton Avenue and to the Prince George County Line shall be one hundred (100) feet. The minimum setback along U.S. Route 460 (County Drive) from the Norfolk and Western Railway overpass, at the old corporate limits, to the Prince George County Line shall be one hundred (100) feet. The minimum setback along State Route 604 (Halifax Road) from its intersection with Boydton Plank Road south to the overpass over Interstate 85 shall be one hundred (100) feet; along the west side of Halifax Road from Interstate 85 south to Vaughan

Road the minimum setback shall be one hundred forty-five (145) feet; along Halifax Road from Vaughan Road south to the Dinwiddie County Line the minimum setback shall be one hundred (100) feet. The minimum setback along State Route 142 (Boydton Plank Road) from its intersection with Halifax Road west to the Dinwiddie County Line shall be one hundred (100) feet. The minimum setback along State Route 632 (Wagner Road) from U.S. Route 301 east to U.S. Route 460 shall be one hundred (100) feet. The minimum setback along State Route 608 (Johnson Road) from the Norfolk and Western Railway overpass, at the old corporate limits, south to the Dinwiddie County Line south of Flank Road shall be one hundred (100) feet. The minimum setback along State Route 109 (Hickory Hill Road) from U.S. 460 east to Fort Lee shall be one hundred (100) feet.

The minimum setback along State Route 629 (Rives Road) from U.S. Route 301 east to the Prince George County Line shall be one hundred (100) feet. The minimum setback along State Route 613 (Squirrel Level Road) from Boydton Plank Road southwest to the Dinwiddie County Line shall be one hundred (100) feet. The minimum setback along Dupuy Road from Spring Street Southwest to Boydton Plank Road shall be eighty (80) feet. The minimum setback along State Route 613 (young's Road) from Brick House Run south to Boydton Plank Road shall be eighty (80) feet. The minimum setback along Flank Road from U.S. Route 301 west to State Route 604 (Halifax Road) shall be one hundred fifty (150) feet. The minimum setback along Defense Road from Banister Road west to State Route 142 (Boydton Plank Road) shall be one hundred fifty (150) feet. The term "center line of the street," as used below in subsection (b), when referring to this paragraph shall mean the center line which existed January 1, 1972. Where there are two (2) center lines on a road, the center line referred to is a line running half way between and parallel to the two (2) existing center lines.

- (b) The minimum setback required herein shall be the minimum horizontal distance from the center line of the street to the main building, or any projection thereof. Where an existing building has less setback than provided herein, any building hereafter erected or structurally altered within twenty (20) feet of said existing building may observe the setback line established by the existing building provided that provision be made in the structure for the removal of that portion which extends beyond the setback line established herein, without damage to the balance of the structure, and that the owner of the building to be erected or structurally altered enter into agreement with the City of Petersburg, relieving the city of damage for the removal of that portion of the structure extending beyond the required setback line, when at such time the city acquires title to this portion of the property for street widening.
- (c) No setback of any building shall be required on the south side of East Tabb Street, between North Sycamore Street and Monroe Street.
- (d) Where the minimum setback required herein would require a front yard, the depth of which is greater than ten (10) percent of the average depth of a lot of record prior to November 20, 1947, or require a front yard on the side having the greater, and the front yard is not required by the district regulations, an application for a building permit, conforming to the provisions herein, shall be denied by the building inspector for a period of sixty (60) days. The building inspector shall immediately notify the council of such application for a permit, and unless the building inspector be notified by the clerk of the council within sixty (60) days of date of the application for permit, of the city's intention to purchase the land occupied by the setback required herein, the building inspector shall grant the permit.

3.4. *Side yards.*

- (1) Where dwelling units are erected above business and industrial structures in business and industrial districts, no side yards are required, except such side yard as may be required in the district regulations for a business or industrial building on the side of a lot adjoining a dwelling district.

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- (2) For the purpose of the side yard regulations, a two-family dwelling or a multiple dwelling shall be considered as one building occupying one lot.
- (3) The minimum width of side yards for schools, libraries, churches, community houses and other public and semipublic buildings in residence districts shall be twenty-five (25) feet, except where a side yard is adjacent to a business, commercial or industrial district, in which case the width of that yard shall be as required in the chart of article 22, for the district in which the building is located.
- 3.5. *Rear yards.* Open or lattice-enclosed fire escapes, outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues, may project into the required rear yard for a distance of not more than five (5) feet, but only where the same are so placed as not to obstruct light and ventilation.
- 3.6. ~~*Lot area.* Where a lot was of record prior to the application of zoning regulations and restrictions to the premises, and if such lot does not conform to the requirements of such regulations and restrictions as to the width of lots or lot area per family, the provisions of such lot area per family and lot width regulations and restrictions shall not prevent the owner of such lot from erecting a one-family dwelling or making other improvements on the lot; provided such improvements conform in all other respects to the applicable zoning regulations and restrictions. However, this section will not apply if the lot or lots in question were contiguous to another lot or lots of record owned by the same person at the time the more restrictive regulations became in force.~~

(Ord. No. 88-48, 5-17-1988)