



City of Petersburg Virginia

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City Council

W. Howard Myers, Mayor – Ward 5
Samuel Parham, Vice-Mayor – Ward 3
Treska Wilson-Smith, Councilor – Ward 1
Darrin Hill, Councilor – Ward 2
Brian A. Moore, Councilor – Ward 4
David Ray Coleman, Councilor – Ward 6
John A. Hart, Sr., Councilor – Ward 7

Acting City Manager

Dironna M. Belton

Agenda

September 20, 2016

Union Train Station
103 River Street
6:30 p.m.

-
1. Roll Call
 2. Closed Session
 3. Moment of Silence
 4. Pledge of Allegiance
 5. Presentations / Proclamations / Recognitions: (Each presentation will be limited to 10 minutes.):
 6. Consent Agenda:
 7. Public Hearing: (In accordance with the Rules of Council, public comment will be heard before discussion by Council. Once discussion has started, no further input from the public will be accepted. Each speaker will be limited to three (3) minutes.)
 - a. A public hearing for a Special Use Permit pursuant to Article 23, Section 4(15) of the Zoning Ordinance to operate a nightclub, subject to certain terms and conditions at 3270 South Crater Road, T.P. 088-01-0809. The property is zoned B-2, General Commercial District.
 8. Public Information Period – The Public Information Period is established by the Rules of Council to hear input from City residents or owners of businesses in the City. It will last for a maximum of 30 minutes. Speakers will be called in the order that they have signed up to speak. If there are ten (10) or fewer speakers, each shall speak for a maximum of 3 minutes. If there are more than ten (10) people desiring to speak, the time allotted to each person may be adjusted or the number of speakers limited to meet the time limitation. A speaker may speak on items except those that are listed on tonight's Council agenda. Any matter brought before the attention of the City Council during this public information period will not be acted upon by the City Council at this meeting.

9. Business or reports for / from the Mayor or other Members of City Council:

- a. Consideration to approve Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund Application.
- b. Consideration of re/appointments to the Economic Development Authority

10. City Manager's Agenda

- a. City Manager's Report

11. Clerk of City Council's Agenda

12. City Attorney's Agenda

13. Closed Session (if necessary)

14. Adjournment



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: September 12, 2016

TO: The Honorable Mayor and Members of City Council

THROUGH: Dironna M. Belton, Acting City Manager

FROM: Michelle B. Peters, Director of Planning & Community Development

RE: **A public hearing for a Special Use Permit pursuant to Article 23, Section 4(15) of the Zoning Ordinance to operate a nightclub, subject to certain terms and conditions at 3270 South Crater Road, T.P. 088-01-0809. The property is zoned B-2, General Commercial District.**

PURPOSE: To hold a public hearing to receive citizen comment on a request for a special use permit for the operation of a nightclub at 3270 South Crater Road.

REASON: Council is required to conduct a public hearing, upon receiving a recommendation from the Planning Commission, before it takes legislative action on a special use permit.

RECOMMENDATION: Following a duly advertised public hearing, Council may affirm the Planning Commission recommendation, overturn the Planning Commission recommendation, table for further consideration, or return the item under consideration to the Planning Commission requesting further review. The recommendation of the Planning Commission was to deny the special use permit request with a vote of 5-2.

BACKGROUND: The property is currently being used as a restaurant, and the restaurant use will continue. The operator wants to have a portion of the building become a location where patrons can come and listen to music. The zoning ordinance has a nightclub defined as an *establishment which provides entertainment, including but not limited to live bands, floor shows, comedians, solo artists or dance floor for patrons, stays open after 11:00 p.m., and has a capacity exceeding 100 persons. A restaurant that provides a dance floor for its patrons shall be excluded from this definition, provided, however, that the area devoted to dancing shall not exceed 250 square feet or ten percent of total floor area (exclusive of food preparations and service area), whichever is greater. A private club shall be excluded from this definition, provided attendance is limited to bonafide members of such club and bonafide guests of such members. If admission privileges to a private club are sold or otherwise permitted to the general public at any time, then*

such club shall be classified as a nightclub and shall conform to all applicable requirements of this ordinance.

The fact that that the restaurant will have live entertainment along with hours past 11:00 p.m. is what makes this a nightclub use under the zoning code. The applicant is requesting permission to host live entertainment as well as music played by a DJ and to stay open until 2 a.m. on Thursday, Friday and Saturday. In addition, the applicant is requesting permission to charge admission for entry into the restaurant after normal operating hours. The bar and a limited food menu will be offered to patrons who come to hear music or live entertainment.

Staff met with the applicant to explain the plans of the City of Petersburg, and conveyed to the applicant that the City would love to have recreation, entertainment and other opportunities for fun, but these uses cannot create a public safety nightmare. This use will have to be managed by the applicant and there will need to be strict enforcement of the rules and regulations of the City of Petersburg. Lt. Wills of the Administrative Services Division of the Police Department and the City's ACE Team (Abatement, Compliance, and Enforcement) have been working with Outlaws which is an existing nightclub approximately a mile South of this establishment dealing with crowd and traffic control issues which occur once the establishment closes.

At the request of the Planning Commission, the Planning Director and the Zoning Administrator attended a Ward 2 Town Hall meeting held on Monday, June 27, 2016, to discuss this proposal. This is the Ward in which the nightclub will be located and it was an opportunity to hear from concerned businesses and/residents.

WAWA's management was also contacted and informed that the applicant was applying for a special use permit for Plaza Mexico. The proposed changes was discussed with the Regional Manager for WAWA. The Planning Staff made WAWA aware of the June 27, 2016 Town Hall meeting if they wanted to attend and voice any concerns.

There was an incident that occurred at the WAWA's earlier this year, which witnesses reported the incident started at an event held at the Plaza Mexico Restaurant. LT. Wills, a member of the Development Review and ACE Teams of the City of Petersburg spoke with WAWA and Outlaws, which is a nightclub (currently legally permitted) about their operation, crowd and traffic control plans. At this time Plaza Mexico was informed that they needed to obtain special permission to hold events and as a part of that permit they will be required to have off-duty security to assist them with crowd and traffic control.

Once the applicant applied for the Special Use Permit, Lt. Wills again met with the applicant and reviewed the security requirements and the number of officers required during the operating hours of 9:00 p.m. 2:00 a.m. It was also explained that additional officers may be required depending on the type of event and the expected crowd for a particular event. The applicant has contracted with EPG Security, Inc. out of Hopewell, VA and the City of Petersburg Off-duty police officers to meet the security requirements.

COST TO CITY: None

BUDGETED ITEM: N/ A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: September 20, 2016

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: Planning and Community Development

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

Article 23 of the Zoning Ordinance requires that a Special Use Permit be approved by City Council.

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS: Planning Commission Resolution, Staff Report *Summary*, Staff Report, Application, Supplementary Information, Floor Plan and Zoning Map.

STAFF: Department of Planning & Community Development



RESOLUTION OF THE PLANNING COMMISSION

WHEREAS, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, the Planning Commission of the City of Petersburg, Virginia, held a public hearing to consider a request of Joaquin Reyes-Macias (Plaza Mexico), for a special use permit to operate a nightclub, subject to certain terms and conditions, at 3270 South Crater Road;

WHEREAS, the Planning Commission has given interested citizens and other parties the opportunity to comment on the proposed request at a duly advertised public hearing conducted on June 1, 2016; and

WHEREAS, the Planning Commission considered the information provided by the applicant regarding the Special Use Permit; and

WHEREAS, the Planning Commission received no letters of support or opposition; and

WHEREAS, staff made a recommendation to the Planning Commission to approve the request with conditions;

THEREFORE, BE RESOLVED that the Planning Commission of the City of Petersburg at its July 27, 2016 meeting recommends that City Council deny a Special Use Permit to allow a nightclub with conditions at 3270 South Crater Road with a vote of 5-2.

I, Michelle B. Peters, Secretary to the Planning Commission of the City of Petersburg, do hereby certify that the foregoing action was taken by said Commission at its meeting held on July 27, 2016.

Michelle B. Peters

Michelle B. Peters,
Planning Commission Secretary

SPECIAL USE REPORT SUMMARY

CASE NUMBER: 16-SP-03

APPLICANT: Joaquin Reyes-Macias

LOCATION OF PROPERTY: 3270 South Crater Road

PARCEL ID #: 088-01-0809

REQUESTED ACTION: Special Use for a nightclub

EXISTING ZONING: B-2 (General Commercial)

PROPOSED ZONING: B-2 (General Commercial)

EXISTING USE: Restaurant

PROPOSED USE: Restaurant/nightclub

SURROUNDING ZONING:
North, East, West B-2 (Central Commercial)
South B-1 (Shopping Center District)

MEETING INFORMATION:
Planning Commission 6:00 pm, Wednesday, June 1, 2016 (public hearing)
6:00 pm, Wednesday, July 27, 2016 (action taken)
City Council: 6:30 pm, Tuesday, September 20, 2016

RECOMMENDATION:

Staff withholds its recommendation until after the public hearing

ATTACHMENTS:

1. Staff Report
2. Application
3. Floor Plan
4. Map
5. Supplemental Information

CITY COUNCIL STAFF REPORT

SPECIAL USE PERMIT- CASE 16-SP-03
JOAQUIN REYES-MACIAS
PUBLIC HEARING DATE; SEPTEMBER 20, 2016

Request:

Request of Joaquin Reyes-Macias (Plaza Mexico) for a Special Use Permit pursuant to Article 23, Section 4(15) of the Zoning Ordinance to operate a nightclub, subject to certain terms and conditions at 3270 South Crater Road, T.P. 088-01-0809. The property is zoned B-2, General Commercial District.

Staff was requested to bring back additional information to the Planning Commission concerning the Crater Road businesses and what they thought of this request.

On Monday, June 27, 2016, the Planning Director and the Zoning Administrator attended a Ward 2 Town Hall Meeting to discuss this proposal. This is the Ward in which the nightclub will be located and it was an opportunity to hear from concerned businesses and/residents.

Project Summary & Background Information:

The property is currently being used as a restaurant, and the restaurant use will continue. The operator want to have a portion of the building become a location where patrons can come and listen to music. The zoning ordinance has a nightclub defined as an *establishment which provides entertainment, including but not limited to live bands, floor shows, comedians, solo artists or dance floor for patrons, stays open after 11:00 p.m., and has a capacity exceeding 100 persons.* A restaurant that provides a dance floor for its patrons shall be excluded from this definition, provided, however, that the area devoted to dancing shall not exceed 250 square feet or ten percent of total floor area (exclusive of food preparations and service area), whichever is greater. A private club shall be excluded from this definition, provided attendance is limited to bonafide members of such club and bonafide guests of such members. If admission privileges to a private club are sold or otherwise permitted to the general public at any time, then such club shall be classified as a nightclub and shall conform to all applicable requirements of this ordinance.

The fact that that the restaurant will have live entertainment along with hours past 11:00 p.m. is what makes this a nightclub use under the zoning code. The applicant is requesting permission to host live entertainment as well as music played by a DJ and to stay open until 2 a.m. on Thursday, Friday and Saturday. In addition, the applicant is requesting permission to charge admission for entry into the restaurant after normal operating hours. The bar and a limited food menu will be offered to patrons who come to hear music or live entertainment.

Staff met with the applicant to explain the plans of the City of Petersburg, and conveyed to the applicant that the City would love to have recreation, entertainment and other opportunities for fun, but these uses cannot create a public safety nightmare. This use will have to be managed by the applicant and there will need to be strict enforcement of the rules and regulations of the City of Petersburg. Lt. Wills of the Administrative Services Division of the Police Department and the City's ACE Team (Abatement, Compliance, and Enforcement) have been working with Outlaws which is an existing nightclub approximately a mile South of this establishment dealing with crowd and traffic control issues which occur once the establishment closes.

At the request of the Planning Commission, the Planning Director and the Zoning Administrator attended a Ward 2 Town Hall meeting held on Monday, June 27, 2016, to discuss this proposal. This is the Ward in which the nightclub will be located and it was an opportunity to hear from concerned businesses and/residents.

WAWA's management was also contacted and informed that the applicant was applying for a special use permit for Plaza Mexico. The proposed changes was discussed with the Regional Manager for WAWA. The Planning Staff made WAWA aware of the June 27, 2016 Town Hall meeting if they wanted to attend and voice any concerns.

There was an incident that occurred at the WAWA's earlier this year, which witnesses reported the incident started at an event held at the Plaza Mexico Restaurant. LT. Wills, a member of the Development Review and ACE Teams of the City of Petersburg spoke with WAWA and Outlaws, which is a nightclub (currently legally permitted) about their operation, crowd and traffic control plans. At this time Plaza Mexico was informed that they needed to obtain special permission to hold events and as a part of that permit they will be required to have off-duty security to assist them with crowd and traffic control.

Once the applicant applied for the Special Use Permit, Lt. Wills again met with the applicant and reviewed the security requirements and the number of officers required during the operating hours of 9:00 p.m. 2:00 a.m. It was also explained that additional officers may be required depending on the type of event and the expected crowd for a particular event. The applicant has contracted with EPG Security, Inc. out of Hopewell, VA and the City of Petersburg Off-duty police officers to meet the security requirements.

Existing Uses and Zoning:

The parcels to the north, east and west are all zoned B-2 (General Commercial) and the parcel to the South is zoned B- (Shopping Center District). The uses range from restaurant, retail, to shopping center uses.

Comprehensive Plan

The Comprehensive Plan identifies this area as a gateway to the City from the North and encourages continued commercial uses that are compatible to the existing uses.

Public Input:

The Planning office has not received any correspondence or phone calls in support or opposition to the request. There were expressions of concern and support during the Town Hall Meeting held on June 27, 2016. Below under the recommendation you will see the concerns, questions and answers provided.

Recommendation/Follow-up:

Staff will withhold its recommendation until after the public hearing.

The following statements represent the discussion at the Town Hall Meeting held on June 27, 2016:

1. Welcomes the club its revenue for the city, but it should be managed correctly.

2. **How many officers will be required for this use?** This number depends on the occupancy, the occupancy can be restricted as a condition. The police department will determine how much security is required.
3. **How is the security selected to work at this establishment?** The City of Petersburg Police Department has to determine the number required based on the occupancy. City Council may add a specific number as a condition.
4. **If this operator was in violation before as a nightclub why would the City allow him to become legal?** The owner has to be given an opportunity to go through the process of becoming legal. If Planning Commission recommends approval and City Council approves then the use is permitted. If City Council denies then the use is not permitted. Planning Commission can also make a recommendation of denial to City Council.
5. **How many clubs are existing in the area now?** Outlaws and Tradition have events as a restaurant. However, Outlaws is legally recognized as a nightclub.
6. **It seems to be a strain on our resources.** The Police Department had representation at the meeting and the following was the statement from the officer in attendance, "it can be a strain if there are major incidents throughout the City".
7. **We don't need another club in this area.**
8. **Can we allow this one but put a moratorium on the number that we permit in the City?** If you don't want nightclubs in the City, this concern has to be expressed to City Council. The Zoning Ordinance will allow it once Planning Commission makes a recommendation to Council and City Council approves it. Outside of that an ordinance change would be required to not have any nightclubs in the City of Petersburg. We would definitely need to approach this request thinking long-term impacts and not just a short-term impact. The Planning Staff will definite facilitate the discussion, but do not support a ban on recreational/entertainment type uses. We are moving the City in a direction where it becomes a destination place and with that designation, a nightlife environment has to exist. People want options of things to do in the evenings and on weekends.
9. **Can you place conditions on the operating hours for Saturday?** Yes, conditions can be placed on the hours and the number of events held each year, month, etc.
10. **Need sufficient security.**
11. **Restrict the use and limit the hours.**
12. **What is the Police ability to handle this new club and the existing clubs?** There was a representative present from the Police Department and he explained that this could potentially put a strain on the force. He also explained that off-duty police officers could serve as security for the nightclub. Mrs. Peters explained that conditions can apply to hours, security, and pretty much anything else anyone felt needed to be monitored.

DRAFT

RESOLUTION

BE IT RESOLVED THAT, The City of Petersburg wishes to apply for \$500,000 of Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund for the Cambria Hotel and Suites at 380 E. Washington Street.

WHEREAS, the Virginia Tourism Development Financial Program, Industrial Revitalization Fund and HUD 108 Guaranteed Loan Program will also be expended on this project.

BE IT FURTHER RESOLVED that the interim City Manager is hereby authorized to sign and submit appropriate documents for the submittal of this Industrial Revitalization Fund Proposal.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: September 6, 2016

TO: The Honorable Mayor and Members of City Council

THROUGH: Dironna Moore Belton, Interim City Manager

FROM: Dr. Landis D. Faulcon, Director of Economic Development

RE: Consideration to Approve Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund Application.

PURPOSE: Request authorization to apply for a \$500,000 grant from the Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund

REASON: The Virginia Economic Development Partnership requires authorization from the local governing body of the applicant.

RECOMMENDATION: Recommend City Council approve authorization for Department of Economic Development to apply for Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund and permit the Acting City Manager to sign the grant application.

BACKGROUND: The Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund was established to promote the restoration and redevelopment of brownfield sites and to address environmental problems or obstacles to reuse, so that these properties can be effectively marketed to new economic development prospects.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: September 20, 2016

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS: Resolution

STAFF: Dr. Landis D. Faulcon, Director of Economic Development

DRAFT

RESOLUTION

BE IT RESOLVED THAT, The City of Petersburg wishes to apply for \$500,000 of Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund for the Cambria Hotel and Suites at 380 E. Washington Street.

WHEREAS, the Virginia Tourism Development Financial Program, Industrial Revitalization Fund and HUD 108 Guaranteed Loan Program will also be expended on this project.

BE IT FURTHER RESOLVED that the interim City Manager is hereby authorized to sign and submit appropriate documents for the submittal of this Industrial Revitalization Fund Proposal.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: September 12, 2016

TO: The Honorable Mayor and Members of City Council

THROUGH: Dironna M. Belton, Acting City Manager

FROM: Nykesha D. Jackson, Clerk of City Council

RE: **Consideration of re/appointments to the Economic Development Authority**

PURPOSE: To consider re/appointments to the Economic Development Authority.

REASON: There are two vacancies currently on the board.

RECOMMENDATION: Recommend Council make an appointment to the Economic Development Authority.

BACKGROUND: The Economic Development Authority consists 7 members appointed by City Council. The duties of the board include, but are not limited to, the following: the Authority shall have the powers to acquire, own lease, and dispose of properties. Such authority may be able to promote industry and develop trade by inducting manufacturing, industrial, governmental and commercial enterprises to locate in or remain in the Commonwealth and further the use of its agricultural products and natural resources; to issue its bonds for the purpose of carrying out any of its powers.

COST TO CITY: None

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: September 20, 2016

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS: Boards and Commission Excel Sheet

STAFF: Nykesha D. Jackson, Clerk of City Council

ECONOMIC DEVELOPMENT AUTHORITY

Number of members: 7

TERMS	APPOINTMENTS	WARDS	NEW APPLICANTS	WARDS
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09/30/2013-09/30/2017	Gloria Brown, 1557 South Sycamore Street	Ward 3		
10/20/15 - 09/30/17	Richard B. Taylor, 828 W. Tuckahoe Street	Ward 3	Winston T. Sanders, 1221 Woodland Road	3
10/20/15 - 09/30/18	Dr. Dorothy Freeman 102 Richland Road	Ward 2	Gerry Rawlinson, 1749 S. Sycamore Street	3
10/20/15 - 09/30/18	Robert Smith, 1750 Westover Avenue - chairman	Ward 3		
02/17/12 - 09/30/16	Wilbert M. Bland, Sr., 3317 Lancelot Road	Ward 7		
02/17/12 - 09/30/16	Robert Guirdy, 13521 College Road, 23805			

6/7/16 - 09/30/20
Orlando M. James, 14324 Woodland Hills Drive
Colonial Heights

AUTHORITY:

Economic Development & Revenue Bond Act (Chapter 33, Title 15.1, Code of Virginia); City Council Ordinance No. 6913, passed 11/20/73

COMPOSITION:

Seven (7) members constitute a Board of Director

MEETING DATE AND TIME:

DUTIES:

The Authority shall have the powers to acquire, own, lease, and dispose of properties. Such authority may be able to promote industry and develop trade by inducting manufacturing, industrial, governmental and commercial enterprises to locate in or remain in the Commonwealth and further the use of its agricultural products and natural resources; to issue its bonds for the purpose of carrying out any of its powers.

TBD

STAFF LIAISON:

Landis Faulcon, Director of Economic Development
400 East Washington Street
Petersburg, VA 23803
(804) 733-2352

TERMS:

Four (4) year staggered terms

