

City of Petersburg
Planning Commission Meeting
March 2, 2023

Minutes

The City of Petersburg Planning Commission meeting held on Thursday, March 2, 2023, was called to order by the Chair, Mrs. Tammy Alexander, at 6:30 p.m. A roll call was completed by Ms. Michelle Murrills.

Members Present: Ms. Tammy Alexander, Chair
Mr. Fenton Bland, Vice Chair
Mrs. Chioma Adaku
Ms. Candy Taylor
Ms. Marie Vargo
Dr. James Norman
Mr. Michael Edwards
Dr. William Irving

Members Absent: Mr. Thomas Hairston

A Quorum was established by the Chair.

Others Present: Mr. Reginald Tabor, Ms. Michelle Murrills, Ms. Sandra Robinson, Mr. Joel Erb, Mrs. Kirstin Katzenbach, Mr. James Beck, and Mr. Michael Squires.

Adoption of the Agenda:

Chair Alexander called for any changes. Since there were none, Commissioner Edwards moved for the approval of the agenda; Commissioner Vargo seconded the motion. The motion passed unanimously.

Minutes:

Chair Alexander asked if there were any changes to be made to the minutes from February 2, 2023. As there was none, it was moved by Commissioner Adaku and was seconded by Vice Chair Bland. The motion was passed unanimously.

Public Information Period:

Chair Alexander opened the Public Information Period to anyone who wished to speak on an item, not on the agenda. No one chose to speak, and so the Chair closed the public information period.

6. Public Hearings:

Chair Alexander read the notice of a public hearing as follows:

6a. a. 2023-ZTA-04: A Public Hearing and consideration of a resolution recommending an amendment to the City of Petersburg Code of Ordinances, Appendix B. Zoning, to add definitions of Group Home and Assisted Living facilities.

Mr. Tabor gave the presentation.

A RESOLUTION RECOMMENDING APPROVAL OF A CITY CODE APPENDIX B. ZONING TEXT AMENDMENT – AMENDING ARTICLE 3. – DEFINITIONS, SECTION 2. – DEFINITIONS TO ADD DEFINITIONS FOR ASSISTED LIVING FACILITY, SINGLE-FAMILY RESIDENCE AND GROUP HOMES.

The City of Petersburg Code of Ordinances Appendix B. Zoning includes Article 3. – Definitions, Section 2. – Definitions; and the purpose of this section is to define certain terms and words in the City Code Appendix B. Zoning.

Assisted Living Facilities in Single-Family Residences and Group Homes have been established as land uses in the City of Petersburg; however, currently, there are no definitions for these uses or related regulations.

This is a proposal to amend the Code Appendix B. Zoning in accordance with the attached Exhibit A.

The definitions would be as follows:

Group Home as defined within the Code of Virginia, §15.2-2291,

1. A residential facility in which the Department of Behavioral Health and Developmental Services of the Commonwealth is the licensing authority; and, in which no more than eight mentally ill, mentally retarded or developmentally disabled persons reside, with one or more resident or nonresident staff persons
2. A residential facility in which aged, infirmed or disabled persons reside for which the Department of Social Services is the licensing authority in which no more than eight aged, infirm or disabled persons reside, with one or more resident counselors or other staff persons. A group home shall be treated as residential occupancy by a single family. Mental illness and developmental disabilities should not include current illegal use of or addiction to a controlled substance as defined within the code of Virginia, §54.1-3401

Assisted Living Facility: A residential facility, other than a Group Home, where more than eight residents who are not related by blood or marriage receive assistance with activities of daily living or therapeutic care, regardless of whether licensed by a governmental agency or not. Except where expressly permitted by right in this Zoning Ordinance, Assisted Living Facilities shall only be permitted upon issuance of a special use permit by City Council.

Chair Alexander then reiterated that presently the city of Petersburg does not have any definition of either facility.

Chair Alexander then open the public hearing and asked if anyone wanted to speak in approval of this definition to please step forward.

First was Mr. Joel Erb, 414 Harrison Street. As all of us have seen, there is an increase in not only the attention but also the value of the properties in Petersburg. You can go on Zillow and can see that they are lasting on the market for fewer days than they ever had. Some of these are owner-occupied, but there are a lot of out-of-town investors. We have a lot of large historic homes within the city and again, with absent landlords, and we're finding that in many instances that there are abuses to a lot of the codes that are here in Petersburg. In some instances, they are turning into group homes. Within commercial properties that are zoned P3, they are abusing that code. A lot of the residents that are living in these homes that fall into this discussion, they need care and they are not getting the care. The fact that there is a limit to the number of residents and the number of caregivers is really important. Owning a group home or a residential care facility means in many instances that you are getting checks you are getting their social security checks—the owners. I think that if you live within the city, you may see instances of individuals that live in them. They say that they live in those facilities, but they are not getting the care that they need. The residents should have a voice and the city should have a voice in allowing these facilities to come within a community. They need to be here. These people need the care, this is not that they should not exist in the city. But it is making sure that we have the right operators who have the experience with a proven track record. Because there are a number of them that have operated in the city that have not had the experience, well they have but they have had a bad track record and the residents are not getting the care that they ultimately need. I have had three instances where residents of “care facilities” have been passed out on my back porch and I have had to call the police for them to get the care that they need—to get them back to the facility. The number of residents to caregivers ratio was nothing like what we are talking about here. I think that this is really going to benefit the residents, but it is also a benefit to the community as well.

Chair Alexander thanked him and asked if anyone else wanted to speak. Next up was Kirsten Katzenbach at 301 S. Jefferson. I too would like for this to be in front of City Council so that the public could comment on it. I do live close to a facility. And November 6th we had a situation where sirens were everywhere, it was probably one in the morning. There was a person who became violent and took off back by Clinton Street right behind my house, over by the Petersburg Home for Ladies. This person was dangerous. That is a quote from the police scanner. And then simultaneously, while the police were dealing with him, the rest of the residents set their trash receptacles on fire. So we had a fire in one location while the man was running wild over by the Ladies' Home and my home. I have two daughters. And so that was the situation and that is how I learned that a home had been transferred to that status. I do not know if the status was even legal because I have not gotten confirmation on that. It was a residence. The residents openly swear, fight, and threaten each other. They are right there by the park where children are. We have approached by residents while walking our dog. We have been asked for money. People swarm off the front porch, a crowded front porch. There was a woman who entered the gate of our front yard. It is not an easy gate as we are up a hill. She entered the gate of our front yard, pulled a chair, sat there, and looked at us. My husband said what can I do for you? She was ticking and twitching and she said that she was not going to leave until we purchased some of her unwrapped graham crackers. We picked up the phone and showed her that we called the police and she took off running. There were two registered sex offenders but no notification given to the neighboring people who had small children living there. There is stop-and-go traffic that comes through there, and people will stop for about five minutes each while no one from the car gets out. Yet residents come from the home greet the driver and then everyone departs within 5 minutes. There is no noticeable supervision or oversight available at that sight, and if there is, it certainly has not been effective. This petty behavior and antisocial contact is disruptive and intimidating. Thank you

Chair Alexander asked if anyone else wanted to speak.

James Beck, 1977 Vesonder Road spoke next. I live in the Ramblewood Subdivision. Our street, Vesonder, is one block long. There are only 15 houses on that street and four of them are group homes...that we know of because no one has to know that there is a group home. I am not sure if there is any way to know because in the past when we have enquired about this, we have been told that these rules are set by the state. We have not had any major problems. We have had some traffic on our street and obviously having group homes on our street does not increase our property values, nor make it easy to sell your house. But that is normal. The one thing that we do not see is a whole lot of monitoring. I do not think that that is your people's job or the city's but someone needs to supervise and monitor these group homes and make sure that they are following the proper rules and that the persons who are there are treated properly and receive care and dignity. I am not sure if I am in favor of this type of thing, but a definition is certainly something that is needed and it would be nice to know ahead of time what we can expect if someone does. But it does not matter as you do not have special zoning for a group home anyway. So there isn't any way that I would ever know that another group home is going to be added to our street. I recognize that there isn't anything you can do about these things. With the way that these people are being taken care of now, you obviously need these kinds of facilities, and the best that we can do is to not concentrate them too much, at least on my street, but also see that they are monitored so that the people are well taken care of.

Chair Alexander then asked if there was anyone else who would like to speak. When there was no one else, she closed the public hearing. She then asked if any of the commissioners had any questions for Director Tabor.

Commissioner Adaku then asked for clarification about the State vs. City definition of group homes and how that would work.

Director Tabor said that this is a proposal to add definitions to group homes and assisted living facilities within the definition of group homes, which is taken from the state definition and then it adds the definition of assisted living homes. For that specific use, a special use permit would also be required. And would then come before the Planning Commission and then City Council.

Commissioner Taylor then made the comment that since group homes are a business they really should have to have a special use permit so that people can keep track of where they are—they are a business and should have to operate like all other businesses. Mr. Tabor clarified that the State is in charge of the group homes in the state and the State does not allow for local oversight.

Ms. Robinson clarified that anyone wanting to open a group home (and they get lots of applications all the time) you have to complete a business action form through the Commissioner of Revenue's office, make sure all the taxes are current on the building, and then all state regulations are followed to set up the group home. These properties are supposed to be inspected every year, but as everyone has stated, many of the residents are not properly cared for and we will see them walking downtown or where ever because the owner of the property has said go away and do not come back until dusk. And as people have also stated that these people are getting financial benefits as a result of being at the group home. And in many instances, clients have told me...I only get \$40 a week or something like that. Unfortunately, the city and other localities are being inundated by people who are wanting to get into it for that money and then go out of business because they were not in it to help people but only for the money. Ms. Robinson said that she has never met with someone who has actually gone out and done an inspection from the state. She said that something needed to be done about that and that this is the first step to hopefully allow the city to monitor them better.

Commissioner Vargo questioned the part that said: "except where permitted by right". When would an assisted living facility be permitted by right? Mr. Tabor said that the language was put into the record just because it "could" be somewhere but as of right now, there are no assisted living facilities that would be permitted by right. Currently, they are only allowed by special use permit. Group homes, however, can happen anywhere in the city as long as it is in a residential structure.

Commissioner Edwards then said that there was some ambiguity about whether medical/drug abuse facilities would or would not be able to be considered a group home. Ms. Robinson then said that in updating our ordinances on this, the city needs to consider tightening the control over group homes, assisted living homes, sobriety houses, etc. Another question he had was: is there anything that anyone can do to limit the number of group homes that are in a neighborhood? Ms. Robinson said to her knowledge no since they are considered residential. Another question he had was: since property records are public records, and anyone can pull up any property owner

online, can the city have a public list made available of group homes, and who owns them, once we determine how many are legal and how many are illegal? Ms. Robinson said that that would be hard because a certificate of occupancy does not have to have whether it is a group home or not. Without that information, it is simply whether a person knows it or not. Commissioner Edwards said he asked because one speaker spoke about the things that had happened in and around her home, and yet no one ever told her that the house was a group home. If there was a list at least there would be a place for someone to go, look and see who is living in their neighborhood, especially with sex offenders. Commissioner Edwards also asked, with this change would those group homes already in existence be grandfathered in. Ms. Robinson said that yes they would be unless there is something wrong with them. Unless they are closed for more than two years then they would have to start the whole process over again.

Commissioner Edwards clarified that group homes can have no more than eight people living in them and assisted living homes have to have someone manning them 24 hours a day. Then he put forth a motion that struck the portion about allowing by right from the assistant living facilities so that everyone had to play by the same rules. This means that every assistant living home would have to apply for a special use permit from City Council no matter what. Commissioner Irvin seconded the motion.

The role was called and the motion passed unanimously.

With that Commissioner Irvin and Chair Alexander thanked the people who came and spoke out as there are not many people who come to speak at the Planning Commission meeting.

7. OLD BUSINESS

Comprehensive plan update: Mr. Tabor did the presentation. He went over the calendar of what had happened so far for the comprehensive plan. The schedule for the Planning Commission work sessions on the comprehensive plan will be the fourth Tuesday of every other month. The first is March 28th and will cover the plan identity.

May 23rd will be Economic Development, housing and neighborhoods.

July 25th will be Parks, Recreation, Historic Preservation, Public Safety, Community Facilities and Infrastructure

September 26th will be Environmental Stewardship, Mobility and Transportation.

November 28th will be Land Use. Hopefully, that will be a joint session with City Council.

By this time next year, hopefully, City Council will have adopted the updated comprehensive plan.

The process will be that throughout we will discuss specific language and changes to the comprehensive plan. The week before the meeting, the Commission will be provided with all information that has been gathered so far up to that point.

There are many different groups that will be contributing to the information that will be used to make decisions about the comprehensive plan throughout the next year. As they are done, the information will be given to the commissioners.

Chair Alexander mentioned that this comprehensive plan will be comprehensive. There will be parts of the city that are covered that no one even knew existed. Commissioner Edwards seconded that...and he was raised here!

Commissioner Ewards said that he was very interested in helping the city have an entertainment district and that he was looking forward to that.

8. NEW BUSINESS

None

9. ANNOUNCEMENTS

None

10. Adjournment

Commissioner Irving was at the meeting he was asked to move for adjournment. Meeting ended at 7:27.