

Minutes

City of Petersburg

Planning Commission Meeting

April 7, 2021

The City of Petersburg Planning Commission meeting held on Wednesday April 7, 2021 virtually and was called to order by the Chair, Mrs. Tammy Alexander at 6:19 pm. A roll call was completed by Ms. Michelle Murrills.

Members Present: Ms. Tammy Alexander, Chair
Mr. Fenton Bland, Vice Chair
Ms. Marie Vargo
Mr. Thomas Hairston
Dr. James Norman
Ms. Candy Taylor

Members Absent: Mr. William Irvin
Mr. Michael Edwards

A Quorum was established by the Chair.

Others Present: Mr. Reginald Tabor, Ms. Michelle Murrills, Mr. Lionel Lyons, Ms. Sandra Robinson, Mr. John Wood, Ms. Lisa Park, Ms. Laura Jerrett, Reverend Herman Crockett, Councilwoman Treska Wilson-Smith, Mr. Patrick Ingram, Mr. Najjar, Mr. Clyde Johnson, and Mr. Jeremy Tennant.

Adoption of the Agenda:

Chair Alexander called for any changes...there were none

Commissioner Vargo moved approval of the Agenda.

Commissioner Harriston seconded the motion. The motion passed unanimously.

Minutes:

Commissioner Vargo moved to adopt the Minutes from the March 23, 2021, joint City Council meeting. Commissioner Harriston seconded the motion. The motion 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. Mr. Patrick Ingram spoke.

Mr. Patrick Ingram, South 836 Gillfield Dr., just wanted to say that it is a pleasure to have a quorum finally and to see everyone at the meeting today. So, thank you for your participation.

No one else spoke, and Chair Alexander closed the Public Information period.

Public Hearings:

6A. Chair Alexander announced a public hearing-- 2021-SUP-01 to be held at the request of Ms. Lisa Ji Sook Park, owner, to establish and operate a facility offering "live entertainment" until 2:00 am. Nightclub, as a land-use, as provided under Article 23 of the Zoning Ordinance, is permitted in B-2 and M-1 zoning districts only. The subject location includes three parcels, 1706 E Washington St, tax parcel ID 004190801, Parcel 0.2832 acres, and 1714 E Washington St, tax parcel ID 004190003, parcel 0.30 acres and 004190802, parcel .304 acres, Petersburg, Virginia 23803. The subject parcels are located within the B-2, general commercial district.

Ms. Sandra Robinson then gave a presentation from the Planning Department. She went on to say that the parcels are all in the B-2 General Commercial District. Thus, rezoning the property is unnecessary as the Special Use Permits is an overlay requirement to the proposed use and can be monitored with conditions attached if approved. Background on the property: this all started during January 2021; while performing field inspections, the Planning Department zoning administrator noticed a business sign erected on what appeared to be a vacant structure undergoing renovations of cleanup, which was advertised "coming soon Paradise Restaurant and Nightclub." Upon returning to the office, that zoning administrator contacted the representative whose number was listed on the signage. A message was then left, the party returned the call a few days later and informed Staff of their desire to reopen the previously used building as a restaurant and nightclub establishment since it was their understanding through contacting the property owner the structure had previously been used as a restaurant under the name of "Fusion Restaurant," which held karaoke events there in the past. Staff preceded to inform Mr. Najjar of the zoning requirements to utilize the structure for his intended purposes.

Mr. Najjar requested a zoning verification letter regarding the property to Confirm when he would be able to utilize the property. The fact that the proposed restaurant establishment will have live entertainment and hours past 11:00 pm makes this a nightclub use under the zoning code. The applicant

is requesting to have a venue like that of the previous owner, who used it as a karaoke bar, but would permit additional entertainment such as host live bands, music played by a DJ, floor shows, comedians, and a dance floor for patrons. The property is currently vacant. The applicant believes the improvements to the structure for use as a nightclub would be consistent with other nearby commercial businesses such as restaurants, convenience stores, and gas stations. Said businesses operate during daylight hours; however, a nightclub would operate at night upon the closure of nearby businesses, reducing any conflicts. There is nothing indicated in the application that the applicant will require patrons to pay a cover charge. However, the applicant is open to allowing customers or patrons usage of the restaurant as a venue to hold anniversary parties, birthday parties, graduation celebrations, baby showers, family reunions, social and professional functions, and parties in general which would be considered uses by right under the B-2, general commercial district regulations. The applicant believes that the improvements made to the building enhances the East Washington street business corridor, making it more appealing to the community and stimulating the area's overall economic health by eliminating blight. Upon speaking with the leaseholder, Mr. Najjar, Staff explained that the City would love to have recreation, entertainment, and other opportunities for fun. Still, these uses cannot create a public safety nightmare, and that the proposed use will need to be managed by the applicant, and there will need to be strict enforcement of the rules and regulations of the City of Petersburg. Staff informed Mr. Najjar of situations the City has had to deal with, such as crowd and traffic control, once the establishment closes. Staff advised the leaseholder he would be responsible for researching and provide security measures through the City of Petersburg Police Department to cover safety measures for the public.

The parcels to the North are M-1, light industrial East, and West B-2, general commercial and residential. South, unoccupied commercial building, there is a church, faith, and Hope Temple COGIC. Located to the immediate East of the property at the corner of East Washington Street, Puddledock, and Courthouse roads. There are also pockets of neighboring single-family residential subdivisions and Petersburg East apartments (formerly Croatan apartments) within less than a mile radius in addition to the neighboring elementary school, Lakemont Elementary, located at 51 Gibbons Ave., Fort Lee military base is located further East along East Washington street and approximately within a mile of the proposed restaurant and nightclub. Other business uses along this corridor are Jamaican restaurants, convenience stores, gas stations in quick marts, laundry mats, adult video establishments, car washes and tire sales, used car dealerships, and auto repair shops. The City of Petersburg's property maintenance and neighborhood services office is located at 1340 E Washington St. to the best of Staffs knowledge, there are no existing private, not-for-profit clubs in the city limits of the proposal. However, there are pubs and restaurants (tilt a kilt) located along Puddledock Rd in the Lowe's shopping center, Prince George, County. There is Longhorn Steakhouse, Texas Roadhouse, Red Lobster, Buffalo Wild Wings, and Applebee's Grill and Bar in the Colonial Heights South Park mall area, to name a few.

Comprehensive Plan:

The Comprehensive Plan identifies this area as a gateway to the City from the North, East, and West. And it encourages continued commercial and industrial uses that are compatible with the existing uses.

Staff Input:

The Planning Department has received concerns regarding this request. Primarily, people have stated that opening a nightclub will only bring trouble into the neighborhoods, loitering, and vandalism.

Ms. Laura Jarrett, a member of the Faith and Hope Temple of Christ 1800 E Washington St, read a letter stating that the church and the neighborhood had concerns about a nightclub coming in that would be open until 2:00 am. They were worried about potential noise, drunken club-goers, litter, drug use, and violence, just a few of the problems they believe to be associated with this type of establishment. The church believes that a nightclub does not add to the community improvement that the church wants to have happen with the surrounding area. The church is worried that the crime in the area and the neighborhood will increase with a nightclub. And with the increase will come a decrease in the safety of the residents. Most businesses in the area are closed long before the 2:00 am hour. She said that she will escalate this to the next level and petition not to have a nightclub in the area if need be. She ended by thanking the members of the Commission and asking that they oppose allowing this nightclub to start.

Ms. Roberts then stated the Planning Department's findings:

1. The City's Comprehensive Plan designates the site is for commercial use.
2. The proposed Special Use is not inconsistent with the general land use activity occurring in this part of the City, with a restaurant, retail, and office/general commercial and industrial development occurring.
3. The applicant of any allowed use on this site will be required to meet all applicable site review procedures, such as parking and public safety.
4. The potential impact of increased vehicular traffic is a concern, given the potential for the facility to attract an excessive number of patrons and as a necessity to provide off-street parking to accommodate patrons in large numbers. The floor area within the subject building and the capacity of people could call for a significant number of parking spaces. Off-street parking shall be required in conformity with Article 19 of the Zoning Ordinance. Section 6, Part 14 of Article 19 provides that "one parking space per 100 square feet of floor area" be provided for "nightclubs, bars, and taverns."
5. Based on the application submitted, there is not adequate information to determine that the proposed use will not adversely affect the public health, safety, moral, and general welfare of the public.
6. The applicant can currently use the property as of restaurant and bar and provide for individual requests to accommodate weddings, birthdays, anniversaries, family reunions, business and professional functions, and similar activities as a by-right use and no need to obtain a SUP.

Applicant:

Mr. John Wood, Business Attorney, 800 Sycamore Street, representing the owner of the building, Ms. Lisa Park: he described the neighborhood. He showed that they wanted to ask for a special use permit for the business. He pointed out that the special use permit can be revoked. He tried to point out that the owner is unwilling to spend money on upgrading the property if she cannot rent it out to someone. He said that the only difference between what was there and what they wanted to put in there was a dance floor. He also pointed out that there was plenty of land for parking; there is more parking with this building than with any other along Washington St. He showed that this property does not actually abut to the residential area, so that it is anticipated that there would be no detrimental effect to the residential area. Mr. Wood also blamed the crime that happens now in the area on the blight and that there is no active business in that location. If there were to be an active ongoing business at this location, there would actually be less crime because there was an active business. Eventually, Fort Lee will be reopening, and Mr. Wood believes that this nightclub would be an asset because it would attract those from Fort Lee to stay and do things in Petersburg rather than go to surrounding communities. If the tenant is not following the rules at any time, the special used permit can be revoked, which is an excellent incentive to give him the permit. If he does not get the permit, he will not open up the nightclub as he does not believe that it would be profitable enough. Because there is nothing like this anywhere in the area, it adds to the area's offerings and gives this area an advantage that other areas do not have. It is a benefit for jobs, a benefit for the area, a benefit for upgrading the property. It would be a benefit for all in the area. This parcel is in a commercial zone, across from an industrial zone, not adjacent to any residential areas. It has been utilized for a restaurant, café, and bar and has more parking than other areas. It would seem that this would be an ideal situation. If this is not approved, then the property will sit vacant and will further deteriorate, and that serves no purpose.

Chair Alexander then asked what happened to Fusion restaurant? Mr. Wood said that it had been gone since 2018, and it was uneconomically able to make a go of it. Chair Alexander also wanted to know who owned the property directly to the west of the property in question as she wanted to find out just how much parking was available. Chair Alexander also to know why Mr. Najjar felt he needed to have the special use permit. Mr. Wood said that what was required for the type of establishment, he wanted to open, especially since Mr. Najjar intends to have the ability to stay open until 2:00 am.

Ms. Park then talked about how many hours this new business could be open throughout the week.

Commissioner Harriston wanted to know who the target audience would be. Mr. Wood stated that the target audience is an older portion of the local population, over 30. It's not a youth-orientated business. Commissioner Harriston then also asked what the capacity of the building is. Ms. Park's response was 100 people. Ms. Park said that the capacity is higher (as much as 200), but her ABC license is 100. Mr. Harriston also asked about security. Ms. Park responded that they would have security any night that they would be operating as a nightclub. Commissioner Harriston then asked how many nights that would be open until 2:00 am. Ms. Park responded that Mr. Najjar would try to be open that late every night initially, but as they figured out which nights didn't work, they would change their hours. Commissioner Harriston asked how many employees you would anticipate being hired. Ms. Park answered initially at least 10.

Chair Alexander then asked why Mr. Najjar was not in the meeting. Ms. Park then answered that he was not comfortable, and she knew what his plans were. Chair Alexander then said that it would have been better if he had come to the meeting as well. Ms. Park answered that she could get him to come to the meeting since he was right down the street from where she was. Mr. Wood said that Ms. Park was there because the paperwork has to go through the owner. Chair Alexander noted that it should have been both of them at the meeting.

Commissioner Harriston had more questions. He wanted to know if Mr. Najjar had ever run a nightclub. Ms. Park answered no.

Commissioner Bland then asked if anyone had spoken with Chief Christian to determine his opinion about the property. Ms. Robinson then said that she had not heard back from the police department. Deputy City Manager Mr. Lyons then said that he would follow up with both the police department and the fire department after this meeting as he had questions about some fire safety issues.

Chair Alexander asked if any other commissioner wanted to ask questions. When there was no response, she asked if anyone from the public wished to speak in favor of the nightclub and the special use permit. Hearing no answer, she went on to ask if anyone wanted to speak in opposition.

Reverend Herman Crockett, Pastore of the Faith and Hope Temple, then spoke. He liked the fact that the permit is conditional. He said his church is very close to that building, and already they have already had people cutting through their parking lot trying to get to the restaurant, which they cannot. He is afraid that his church is going to have future problems with their parking. He is also afraid that if there are many cars in their parking lot, it's an invitation to break into those cars. He is worried that if people are willing to break into cars, they can break into or vandalize the church.

Next, Chair Alexander recognized Councilwoman Treska Wilson-Smith. She is the councilor for Ward 1, which this building is in Ward 1. She said that she has spoken with many of her constituents, who are against this building being a nightclub. She said that this area has the most crime in any area of the city, and she is worried that allowing this nightclub would cause the crime to worsen. She is concerned that people coming from other areas to visit a nightclub might also come to cause problems here in Petersburg. She said that there is not a lot of blight in that area. The housing projects are getting ready to be torn down and rebuilt, which will lessen the area's blight. Fort Lee soldiers are not going to be coming to this nightclub. They are told not to come to the City of Petersburg. Councilwoman Wilson-Smith did say that she has seen them come to old town sometimes, but never anywhere else. She also said that she does not support a nightclub at this time regardless of the jobs it might bring. She believes that it may bring more crime and more killings, and she wants to see the City of Petersburg get that under control first. Because of all this, she cannot support this nightclub at this time.

Patrick Ingram, 836 S. Guildfield Dr., said that he is not a resident of Ward 1 but has had police ride alongs in that area. He approaches this meeting with the mindset of pro-business. He is for this business, but it is contingent on a commitment to the City of Petersburg. However, he thinks that it is disconcerting that the business owner is not at the meeting, that there is no business plan, and that the details that have been questioned (such as the number of employees) are vague. He was not impressed with the presentation for the nightclub. Mr. Ingram believes that the business owner should have been present from the very beginning of the meeting. Since that would show that he is serious about this business will be present through any problems.

Mr. Najjar spoke. He said that he has two grocery stores in Southside of Richmond. He said that he had bought a house in Petersburg. He wants to do something that is good for Petersburg. He wants to keep everything clean and safe. He is asking for the opportunity to do what is something good for Petersburg.

Chair Alexander then asked if any of the commissioners had a question for Mr. Najjar, who will own and run the business. Commissioner Bland then said that Mr. Najjar should have talked to the church, and it weighs heavy on his heart that the church community is not in favor. Mr. Najjar noted that he has spoken to several of his neighbors, but he has not been able to get a hold of someone at the church. He said that this is the first time doing this, and he asked for forgiveness if he could not speak with everyone.

Commissioner Hairston then asked who the target audience was and what do you mean by live entertainment. Mr. Najjar believes that his audience would be 28 years and older. He believes that he can control the crime that happens in his business, and he would never allow a minor to come in and drink at all. Everything will be by code, and everything will be safe.

Chair Alexander then asked if Staff had anything more that they want to say. Ms. Robinson said that in light of the fact that the property is zoned B-2, and the applicant can have his restaurant, etc. Staff recommends denial of the special use permit.

Chair Alexander then asked for a motion, and Commissioner Bland made a motion to do what Staff has recommended. Commissioner Taylor seconded it. Before a vote was taken, Chair Alexander said that she did not feel this was right for the City of Petersburg or for that area, right next to the church. She believes that it would work fine as a restaurant but not as something that necessitates a special use permit.

Commissioner Irvin wanted to know if there had ever been a time in Petersburg that a special use permit had been revoked. Ms. Robinson said there is a special use permit on South Crater Road that the City is having problems with, but it is an ongoing battle right now. Chair Alexander told Commissioner Irvin that since she has been on the Planning Commission, there have been other issues with entities that have operated as a nightclub, and they are all gone. This is not something that the City has liked or entertained since she had been around.

Commissioner Harriston then asked if we were to grant someone their special use permit, can the City easily take it back? Or is there a lengthy procedure to take back the permit? The answer was that it was a pretty straightforward process, but that usually, when it gets to that point, it has already poisoned the well around the area, and it can lead to more blight than before the permit was given out. He also asked if he abstained were there still enough votes for a quorum, and the answer was yes.

The vote was taken to uphold the Staff's recommendation to deny the special use permit.

Five yes one abstention/Motion passed.

Public Hearing:

2021-SUP-02: Request by Clyde Johnson, leaser, and owner of Tread Setters, to add an ancillary use of a car wash establishment as provided under Article 23 of the Zoning Ordinance to an existing tire sales establishment. The proposed car wash is to be located on the east side of the building at the property addressed as 2010 E Washington St, Tax Parcel ID 004210001. Proposed land uses include stand-alone vehicle repair to include general automotive repair shops, truck repair shops, transmission repair shops, engine repair shops, car washes or car washing and detail operations, and other similar facilities, such to be permitted within the B-2 and M-1 zoning districts only. The subject parcel is currently zone B-2, General Commercial District.

Ms. Robinson said that the applicant is the current business owner and operator of Tread Setters LLC., which is a retailer of new & used tires and rims. They are a warehousing and distributing business. He has been in the business in the city of Petersburg since 2015. Mr. Johnson is requesting to expand his business services to other retailers and customers in the area beyond the Petersburg City limits by offering vehicle hand washing and detailing services which includes the sale of retail products. He discovered when consulting with the Planning Department staff, he would be required to obtain a Special Use Permit which requires the Planning Commission to review and make recommendations to the City Council for approval. The Zoning Ordinance was amended May 1, 2001, by ordinance 01-ORD-23 to require a Special Use Permit for stand-alone vehicle repair uses as per Article 23 of the Zoning Ordinance. Among the delineated uses included with the vehicle repair in article 23, Section 4 (23) for car washes and detailing operations. In addition, these uses are permitted with a Special Use Permit only in B-2, General Commercial Districts, and M1, Light Industrial Districts. The applicant has been receptive to following appropriate processes and procedures to promote and grow his business. Upon a site inspection of the existing location, South realize the structure was previously utilized as a Hardee's restaurant in the 1980s which was built with a drive-thru area located on the left side of the structure. The property is .643 acres. The applicant proposes to utilize this area for the establishment for the auto detailing activity. Mr. Johnson has been looking into marking the pavement to provide customers with appropriate directional flow to the drive-thru service area and for entering and exiting the premises.

Chair Alexander then called upon Mr. Johnson to speak on behalf of his business.

Mr. Johnson then said that this was going to be a simple hand wash with all appropriate biohazard safety protocols in place to make sure that the used water does not just go down the drain. He then said that he felt this would be good for the City and they would grow, which would make more revenue for the City. He is also looking to give the youth of the City employment because he always has guys coming around looking for work, and this would give them something to do.

Chair Alexander asked if the commissioners had any questions for Staff or Mr. Johnson; hearing no questions, she moved on to anyone who wanted to speak in favor of the project. Councilwoman Wilson-Smith raised her hand and said that she was in favor of this. She has not heard anything bad from the citizens that reside in the area. And she wishes him well.

Mr. Patrick Ingram also wanted to speak, and he said that he was in complete approval with an opportunity for business expansion and growth. He is very appreciative of the forethought as it pertains to the environment. He also said that he agreed with Councilwoman Wilson-Smith, and he wished the owner lots of luck and thanked him for having his business in Petersburg.

Chair Alexander asked if there was anyone who would like to oppose. Ms. Robinson then said that they had not received any calls, texts, or emails did not receive anything about this request, for or against.

Chair Alexander then asked for a motion. Commissioner Bland moved to approve the measure, and Commissioner Harriston seconded it. It passed unanimously.

2021-STA-01: request to amend the City of Petersburg subdivision ordinance to include text regarding the Chesapeake Bay preservation areas. The City of Petersburg subdivision ordinance currently does not include required elements and criteria that local governments must adopt and implement in administering Chesapeake Bay act programs. There is a need to amend the subdivision ordinance to include Chesapeake Bay preservation areas section required elements and criteria to comply with act requirements.

Mr. Tabor did a presentation about why **2021-STA-01**, **2021-CPA-01**, and **2021-ZTA-03** are needed. He said that Staff has been working with the Virginia Department of Environmental Quality to bring the ordinance into compliance. Mr. Jeremy Tennant is the staff who has been working with them. He needs to obtain some additional information before the Planning Commission can then amend the ordinance. Mr. Tabor then requested that the Planning Commission open the public hearing but then table it until the 05/05/21 meeting.

Chair Alexander agreed and opened the public hearing. She asked if anyone from the public would like to speak on this. As no one spoke, a motion was put to the vote to continue to the next meeting by Commissioner Vargo and seconded by Commissioner Bland. Motion passed.

Chair Alexander read out the **2021-CPA-01**. Jeremy Tennant then gave a presentation about how the Chesapeake Bay Preservation Program is once again being updated. Since the language is being changed, it has to then go to a vote at a public hearing. Chair Alexander opened the public hearing on this one. Having no one wanting to speak, this one was also requested to move on to the May meeting. This was so moved by Commissioner Harriston and seconded by commissioner Vargo. Motion passed.

Chair Alexander read out the **2021-ZTA-03**. She then opened the public hearing on this one and asked if anyone from the public wanted to speak. Hearing no response, she requested to move it to the May meeting. Commissioner Harriston moved to continue it to the next meeting, and Commissioner Norman seconded it. Motion passed.

Old Business:

Comprehensive Plan: the draft of the Comprehensive Plan update is now on the website, and the City is entertaining comments from the public regarding the proposed update. The City has also hired, as a consultant, the Berkley Group to assist with an evaluation of the currently proposed update. They are also here to help identify any noncompliance issues with any local, state, or federal requirements. They will also help the City make any additional changes that might need to be considered—especially compared to other places throughout the Commonwealth. These comments are expected in May and possibly then brought to the Planning Commission's June meeting. After which, there will be a joint hearing scheduled with the City Council to consider the information.

New Business:

Commissioner Norman made a motion to move the meetings to 7:00 pm to allow other commissioners who work to be able to get to the meeting on time. Commissioner Vargo seconded it. The motion was then amended to be put on the next agenda. It was approved by Commissioner Norman and seconded by Commissioner Bland. Motion was approved and passed.

Announcements:

Mr. Tabor wanted to Planning Commission to know that the City is in the budget process for the 2022 fiscal year and part of the budget includes a capital improvement budget and Virginia code the Planning Commission is charged with developing a capital improvement plan so for the next meeting in May, the capital improvement budget information will be presented to the commission.

Mr. Tabor also said that just today he had received information about creating a cluster of advanced pharmaceutical manufacturing and research and development in the Richmond Petersburg area. This will be discussed in the May meeting.

Adjournment:

Meeting was adjourned by Commissioner Irvin at 8:33 pm. Next meeting is at 6:00 pm on May 5, 2021.