

## **City of Petersburg**

### **Planning Commission Meeting Agenda**

**Thursday, March 5, 2026**

**6:00 PM**

**Petersburg Public Library**

**1. Call to Order**

**2. Roll Call**

**3. Adoption of the Agenda**

**4. Consent Agenda**

- a. February 3, 2026 Special Joint Meeting Minutes (pages 3-7)
- b. February 5, 2026 Regular Meeting Minutes (pages 8-12)

**5. Public Comment**

Comments and Correspondence from citizens, visitors, and delegations in the audience on items not on the agenda. Individuals wishing to speak should sign up prior to the start of the meeting. Please limit comments to no more than three minutes. Total Public Comment period shall not exceed 15 minutes.

**6. Public Hearings**

- a. 2026-SUP-02: Consideration of a resolution recommending approval of a request by Harry Bawa, Pinetree Apartments LLC, on behalf of Chanmeet Singh LLC, for a special use permit for multiple-family dwellings as authorized and controlled by the R-5 Multiple Dwelling District Standards at 3060 and 3090 Pinetree Drive, Parcel IDs 059010806 and 059010807 in the B-2 General Commercial District (pages 13-42)

- b. 2025-REZ-05: Consideration of a resolution recommending approval of a request by Hank Winton, on behalf of Elizabeth Hale, James Powell, Robert Powell, John Powell, and Jenine Crowe, to rezone with proffers property at 1681 and 1683 South Crater Road, 1910 Westchester Drive, and 1055 King Avenue, Parcel IDs 042110802, 042110002, 042110011, and 042090014, from the R-4 Multiple-Dwelling and R-1 Single-Family Residence Districts to the RTH, Residential Town House District (pages 43-153)

**7. Old Business**

**8. New Business**

- a. Discussion and Recommendation on City-initiated rezonings (pages 154-175)
- b. Discussion on Planning Commission Attendance Policy (pages 176-183)

**9. Secretary/City Staff Reports**

**10. Announcements/Commissioner Reports**

**11. Adjournment**

**City of Petersburg**  
**Planning Commission Meeting Minutes**  
**February 5, 2026**

**Members Present:**

Marshall Ford, Chair  
Alvin Cannon, Vice-Chair  
Fenton Bland  
Dianne Harley  
Kirsten Katzenbach  
James Norman  
Aku Reinhardt

**Members Absent:**

Thomas Hairston  
Tony McDaniel

**Others Present:** Jared Crews, City Planning Staff

**1. Call to Order:**

The City of Petersburg Planning Commission meeting held on Thursday, January 8, 2026, was called to order by Chair Ford at 6:01 p.m.

**2. Roll Call:**

A quorum was established by Mr. Crews.

**3. Adoption of the Agenda:**

Chair Ford called for any changes to the agenda.

Mr. Crews stated City Council had asked the Planning Commission to make a recommendation for possible proactive rezonings along the corridors in the vicinity of the casino property. Mr. Crews requested a discussion item be added to the agenda under New Business to give an overview of Council's request.

Commissioner Bland moved to adopt the agenda with the addition of the discussion item. Commissioner Norman seconded the motion, which passed unanimously.

#### 4. Consent Agenda:

Commissioner Norman motioned to approve the consent agenda, which included the minutes of the January 8, 2026 regular meeting and the January 15, 2026 special meeting, as presented. Commissioner Harley seconded the motion which passed unanimously.

#### 5. Public Comment:

Chair Ford opened the floor for public comments.

Wendy Austin, 544 High Street, stated she was a new resident of the city, but had worked in the city for a number of years as Executive Director of Friends of the Lower Appomattox (FOLAR). Ms. Austin stated she wanted to make sure the City took advantage of the Zoning Ordinance rewrite to make sure regulations on data centers are appropriate. Ms. Austin stated she had shared some information and questions with Mr. Crews to be shared with Berkley Group for consideration. Ms. Austin stated her biggest concern was adequate buffers between data center equipment and residential development.

With no further comments, the public comment period was closed.

#### 6. Public Hearings:

- a. **2026-SUP-01:** Consideration of a resolution recommending approval of a request by Ibrahim Al Tamimy, on behalf of 601 E Wyth St LLC, for a special use permit to operate a stand-alone vehicle repair shop at 601 East Wythe Street, Parcel ID 012270012, in the B-2, General Commercial Zoning District

Mr. Crews gave an overview of the request, explaining the applicant was seeking to operate a stand-alone vehicle repair shop in the existing approximately 1,500 square-foot building at 601 East Wythe Street. Mr. Crews stated the application was accompanied by plans showing proposed improvements to the property, including repaving and restriping the parking lot, planting shrubs along the Wythe Street frontage and providing lighting, benches, and trash receptacles on the site. Mr. Crews stated the plans also included use and operation limitations stating no vehicles would be stored on the site and only vehicle servicing would take place, not vehicle repair.

Mr. Crews stated the property was designated as a Community Mixed-Use Area of the Future Land Use map of the Comprehensive Plan and located near a defined gateway and along a major corridor. Mr. Crews stated vehicle servicing and repair is not listed as a principle use for Community Mixed-Use areas and improving and revitalizing the major corridors in the city is identified as a major planning goal in the plans. Mr. Crews also

noted that while the plans stated only vehicle servicing would occur on the site, the applicant had repeatedly mentioned to staff that he wanted to use the site as an extension of his existing vehicle sales and service lot. Mr. Crews presented nine conditions of approval drafted for the Commission's consideration. Mr. Crews stated staff recommended denial of the request based on the guidance of the Comprehensive Plan and concerns over the potential impact on the Wythe Street corridor.

The applicant, Ibrahim Al Tamimy, stated he was committed to improving the Wythe Street corridor, noting he owned the business on the other side of the block at 610 East Washington Street. Mr. Tamimy stated he has worked with the Richmond Civic Association in the past and understood the need for a good project. Mr. Tamimy stated his original goal was to extend his existing business across the block to include the Royal Inn Hotel and the subject property. Mr. Tamimy stated he had met with Planning and Zoning staff, the Deputy City Manager, and a member of City Council to review the proposed project. Mr. Tamimy said he was told the use of the property for a service center would be appropriate. Mr. Tamimy said the vacant building does not contribute to the neighborhood, but his proposed shop would improve the corridor, making it safer and bringing tax revenue into the city.

Chair Ford opened the public hearing.

Michelle Murrills, 131 South Market Street, stated she supported the request. Ms. Murrills stated she spends lots of time in the area of the subject property and it is a very rough area that is not likely to have nice shops. Ms. Murrills stated the subject property can be cleaned up and the area will improve over time. Ms. Murrills stated the property could be kept vacant or the Planning Commission could allow someone the opportunity to use it.

With no further public comments, Chair Ford closed the public hearing.

The Commission discussed the proposal and raised concerns that it did not align with the goals for the area outlined in the Comprehensive Plan. Commissioner Katzenbach stated there are many similar uses on the corridor already and noted the gateways to the city need intentional zoning. Commissioner Norman stated it was unlikely the property could be used as a service center without storing vehicles on the property. Commissioner Norman stated the vehicle service shop would be more appropriately located elsewhere in the city and Chair Ford stated he agreed.

Commissioners Katzenbach, Norman, Bland and Chair Ford all noted the application and plans were well-put together, but vehicle service use did not match the long-term plans for improving the Wythe Street Corridor.

Commissioner Bland motioned to recommend denial of the request based on the guidance of the Comprehensive Plan and due to the concerns over the impact of the use on the corridor. Vice-Chair Cannon seconded the motion, which passed 6-0 with Commissioner Aku abstaining.

Mr. Crews informed the applicant the request would likely go to City Council for public hearing at the regular March meeting.

**7. Old Business:**

There was no old business for discussion.

**8. New Business:**

a. Discussion on Potential Proactive Rezoning:

Mr. Crews explained the City Council had asked the Planning Commission to review properties near the Live! Casino and on the surrounding corridors to determine if it would be appropriate for the City to initiate the rezoning of any properties. Mr. Crews stated the Planning Commission would need to determine whether any rezonings were appropriate and, if so, which zoning districts would be appropriate. Mr. Crews stated the Future Land Use Map and existing conditions would both be important for consideration.

Mr. Crews gave an overview of several properties staff had identified for consideration, including properties along Medical Park Boulevard, Cavalier Drive, Seyler Drive, and South Crater Road. Mr. Crews stated several properties had existing uses or approved plans for development, but noted City Council had asked for recommendations based on redevelopment opportunity to identify the proper zoning designation for the highest and best use of the properties.

Mr. Crews stated some of the parcels, particularly along Medical Park Boulevard and Cavalier Drive were undeveloped and it appeared rezoning would be appropriate, but other parcels may have limited development potential based on environmental conditions or other challenges such as access. Mr. Crews stated there are also several properties along South Crater Road and Medical Park Boulevard where there are existing nonconforming uses that don't match the zoning designation. Mr. Crews stated the owners of several of the properties identified had already reached out to the city about possibly rezoning.

Mr. Crews stated City Council had asked for a report with recommendations from the Planning Commission by the March 24 Council meeting. Mr. Crews stated he would plan to bring additional information and recommendations from staff to the March Planning Commission meeting for review. Commissioner Katzenbach asked whether the Planning Commission could arrange for a bus to do site visits to the properties identified by staff. Mr. Crews stated this was a good idea and he would find out and let the Commissioners know.

**9. Secretary/City Staff Reports:**

Mr. Crews stated staff did not have any additional reports.

**10. Announcements/Commissioner Reports:**

Commissioner Katzenbach stated she was concerned the applicant for 2026-SUP-01 had said he met with city staff and a member of City Council and was told his application would be supported. Commissioner Katzenbach said staff should have identified this in the staff report. Mr. Crews stated he had met with the applicant and noted this in the report, but did not feel comfortable speaking on conversations the applicant had with members of City Council or City Administration because he did not know what was said.

Commissioner Katzenbach stated she felt frustrated by the February 3 joint work session with City Council and that it was a waste of time because the City Attorney said he had not reviewed the full draft ordinance prior to the meeting. The Commissioners discussed holding a meeting with City Council to voice their concerns. Mr. Crews noted this may best be handled by coordinating with the Clerk of Council.

Commissioner Katzenbach asked whether a discussion item could be put on the agenda for the March meeting to review the Planning Commission attendance policy and potentially address issues with absences. Chair Ford asked staff to add this to the agenda and Mr. Crews stated he would bring attendance records and the bylaws for review.

**11. Adjournment:**

The meeting was adjourned at 7:20 p.m.

\_\_\_\_\_  
Planning Commission Chair

\_\_\_\_\_  
Date

The special joint meeting of the Petersburg City Council and the Planning Commission was held on February 3, 2026 at Petersburg Public Library. Samuel Parham called the meeting to order at 4:20 p.m. The meeting video link is <https://petersburgva.new.swagit.com/videos/373930>

**1. ROLL CALL:**

Present City Council:

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

Absent:

Marlow Jones, Councilor -- Ward 1 (Late)

Present Planning Commissioners:

Marshall Ford  
Dr. Diane Harley  
Kristen Katzenbach  
Dr. James Norman  
Fenton Bland

Absent:

Tony McDaniel  
Dr. Alvin Cannon (Late)  
Aku Reinhardt  
Thomas Hairston

Present from City Administration:

City Manager John "March" Altman, Jr.  
City Attorney Anthony C. Williams  
Clerk Tangi R. Hill  
Interim Planning Director Jared Crews

**2. DETERMINATION OF THE PRESENCE OF A QUORUM:**

A quorum was present.

**3. PRESENTATION**

a. Presentation on Proposed Zoning and Subdivision Ordinance - Berkley Group

Ms. Tori Haynes of the Berkley Group provided a presentation on the Proposed Zoning and Subdivision Ordinance to City Council. She reviewed the progress to date, the draft Ordinance, and the next steps for this project. She summarized that their general direction on the project was to create a form-based framework with clear, consistent standards and definitions, user-friendly text, expand housing options, particularly missing middle housing, and clarify standards to match specific sites to their surrounding context. Individual articles were presented to staff and the Planning Commission from April to September 2025. Any comments received from staff, Planning Commissioners, or the City Attorney were incorporated into a revised full draft presented to the public at the open house held in November. The version presented today had been updated since the open house with additional comments incorporated from staff and the City Attorney.

Ms. Haynes explained that in terms of revisions, a document was included in the packet that highlighted each article and the major revisions they had made. Footnotes throughout the Ordinance explained where changes had been made and why. Over the course of the project, they had done a general reorganization of the currently existing articles, organizing them into an 11-article structure, all categorized by administrative provisions, district standards, and use standards. This was intended to be easy to follow and user-friendly. They had also ensured State Code compliance, updated references if they were outdated, and referenced the new numbering system instead of the former state code numbering system. They had also incorporated new State Code requirements that had gone into effect in July and clarified permitting processes, compiling them into one place for citizens and applicants to easily access.

Ms. Haynes said that finally, they had aimed to create a form-based code, although it was more of a hybrid approach. They had incorporated form-based code elements, particularly in urban cores, to better support the City's urban character and facilitate compatible design for new development. She then provided an overview of the articles in the Ordinance and the changes made. She encouraged Council and the Commission to read through the draft Ordinance and provide comments and questions, which would be incorporated before the final version was presented at a public hearing.

Anthony Williams, City Attorney, clarified that this was the first time he had seen this draft Ordinance, so he had not reviewed it or commented on it.

Ms. Haynes apologized for the misunderstanding; she believed they had received comments from the City Attorney that were incorporated into the draft Ordinance.

March Altman, City Manager, stated that some comments had been received from Council Members and he was setting up a meeting for the Berkley Group and Planning staff to address those. He asked Council and the Commission to submit any additional comments or questions to himself or Mr. Crews, and they would work through those prior to the public hearing. He commended staff and the Berkley Group for all of their hard work, especially considering this was the first comprehensive update since the Zoning Ordinance was adopted in the 1970s.

Mayor Parham asked the City Manager about the noise regulations. He asked if the updates would adequately address issues with late-night noise downtown.

City Manager Altman replied that it addressed noise, but if they were to make any changes, they should be made within the City Code as well, not just the Zoning Ordinance. He noted that however, his recollection was that the noise downtown had been determined to be consistently within the limits defined in the City Code.

Jared Crews, Interim Director of Planning and Community Development, explained that the specific section being referenced was unique to the Casino Entertainment and Resort District. This was due to the district's character, which required specific noise levels. As a result, that regulation was adopted at the beginning of last year.

Council Member Cuthbert asked the City Manager if there were any specific items he would like the Planning Commission to pursue.

City Manager Altman asked Mr. Crews if the Crater Road Overlay was part of this draft document.

Mr. Crews replied yes, the Highway Corridor Overlay District designation would cover the route coming from Wagner, heading south on Crater, and ultimately returning to the Wythe Street intersection in downtown.

City Manager Altman stated that one of the things he added to their discussion was the overlay to help guide development in relation to the casino and the area around Wagner and Crater. He said that he would recommend to Council that the Planning Commission should examine the area immediately around the casino and consider what rezoning may be necessary to prepare for potential redevelopment. He noted that they had properties in that area currently zoned residential that may not be suitable for residential use in the long term. He said that he believed it would be beneficial to have the Planning Commission bring a recommendation back to Council regarding potential rezoning of these properties

City Manager Altman stated that in his opinion, it would be advantageous to proactively rezone the residential properties. While they may need to make some single-family houses non-conforming, he envisioned redevelopment of the entire area occurring over time. He said that taking a proactive approach would set them up for successful redevelopment, in addition to the zoning overlay district, which could potentially be re-designated as a district once it was incorporated into the Ordinance. By being proactive, they could prepare for the inevitable redevelopment of the area, which was likely to happen given the interest from business owners in the area.

Council Member Cuthbert asked if the City Council needed to direct the Planning Commission to take up that project.

City Manager Altman confirmed that was correct. He explained that there were three ways to initiate a rezoning process: the Planning Commission, the Council, or the individual property owner. He said that in this case, he was not in a position to do so. However, he believed it was a good idea for Council to consider asking the Planning Commission to review that area and provide recommendations, which would be beneficial for the long-term.

Council Member Cuthbert made a motion to direct the Planning Commission to research and provide recommendations to Council regarding potential rezoning opportunities in the area around the casino, with the goal of facilitating commercial development in the area. Vice Mayor Hill seconded the motion.

There was no discussion on the motion. The motion was approved on a roll call vote.

On a roll call vote, voting yes: Hill, Parham, Cuthbert, Smith-Lee, and Westbrook; no: N/A; abstain: N/A; absent: Myers, Jones.

Council Member Cuthbert asked the City Manager if there was anything else he would like the Planning Commission to explore, such as the extension of Wagner Road to the west.

City Manager Altman stated that he had been studying a map lately, particularly in the area of the casino. One of his thoughts had been considering the possibility of extending Wagner Road over to Flank Road. He said that this would achieve two main goals. Firstly, it would provide a more direct connection between people staying at the casino hotels and facilities in the surrounding area, as well as opening up an 80-acre area that could be utilized. He explained that to the north of where he envisioned the road, a church was planning to build a new development. He said that he believed that if they examined this possibility and presented it to the Planning Commission, they could amend their Transportation Master Plan and Comprehensive Plans to include this extension. If future development occurred, they would be in a better position to acquire right-of-way dedication as part of the development, which would help them further their goals. This extension would also open up development property in that area for them.

Vice Mayor Hill emphasized that they must be sensitive to what was allowed to be developed on Medical Park Boulevard, keeping in mind the commercial development in the area.

Council Member Cuthbert made a motion to direct the Planning Commission to research and provide recommendations to Council regarding the potential expansion of Wagner Road west towards Flank Road. Vice Mayor Hill seconded the motion.

There was no discussion on the motion. The motion was approved on a roll call vote.

On a roll call vote, voting yes: Jones, Hill, Parham, Cuthbert, Myers, Smith-Lee, and Westbrook.; no: N/A; abstain: N/A.

Mayor Parham thanked the Planning Commission for all their work. He expressed his gratitude for having the Commission at the table to help guide the way of the City.

Dr. Diane Harley, Planning Commissioner, asked when Council expected the Commission to provide their recommendations.

City Manager Altman stated that Council was the authority on that timeline.

Mr. Crews stated that a group of graduate students from Virginia Commonwealth University (VCU) was currently analyzing that corridor. They were due to return with the results of the analysis in May, but they could begin formulating recommendations in the meantime.

Dr. Harley said that she supported the proactive approach Council was taking with this matter.

Dr. James Norman, Planning Commissioner, stated that he was excited about the productivity and proactiveness, but as a citizen of Petersburg, he knew where Petersburg had been. He said that he did not see them looking outside of Petersburg for assistance in this process. He acknowledged that the Planning Commission was composed of professionals who could certainly do their own research, but there were also many experienced individuals who could help them. He suggested that Council set aside funds to assist the Commission in this process, allowing them to bring in consultants with experience in the area.

Vice Mayor Hill suggested that the Planning Department and Economic Development Department leadership work together to find an appropriate avenue. He agreed with Dr. Norman and asked that staff please let Council know if additional funding was necessary to get things done.

Council Member Cuthbert stated that in regards to Dr. Harley's question about when Council would like to hear back from the Commission, he personally would like to receive a report from the Commission in time for Council to consider at the Council's March business meeting.

Mayor Parham asked the Planning Commission if they felt they had sufficient time to provide feedback to Council in March.

Marshall Ford, Chair of the Planning Commission stated that it was a tight timeframe, but they would do their best to provide their recommendation by the second Council meeting in March.

Mr. Crews asked for clarification. He asked if Council was not seeking a public hearing for a rezoning and rather was asking for a recommendation on potential rezoning they should be considering moving forward. If it was the latter, he did not think it would be an issue to provide recommendations as soon as March, but in the case of the former, they would need more time in order to schedule a public hearing.

Council Member Cuthbert made a motion to direct the Planning Commission to provide a recommendation regarding rezoning to facilitate commercial development in the casino area in time for Council to consider the recommendation at the March City Council business meeting. Vice Mayor Hill seconded the motion.

There was no discussion on the motion. The motion was approved on a roll call vote.

On a roll call vote, voting yes: Jones, Hill, Parham, Cuthbert, Smith-Lee, and Westbrook.; no: Myers; abstain: N/A.

Council Member Jones expressed doubt that outside consulting was necessary for this project. He said that he felt Petersburg had enough in-house expertise to make solid recommendations. He asserted his complete faith and confidence in their elected and appointed officials, as well as the rest of the citizens of Petersburg.

**4. UNFINISHED BUSINESS**

There were no items under this portion of the agenda.

**5. ADJOURNMENT**

Mayor Samuel Parham made a motion to adjourn. All members of the Council and Planning Commission present voted in the affirmative. Meeting adjourned.

The City Council adjourned at 5:00 p.m.



# City of Petersburg

## MEMORANDUM

**DATE:** March 5, 2026

**TO:** Planning Commission & City Council

**FROM:** Planning and Community Development

**RE:** 2026-SUP-02: Consideration of a resolution recommending approval of a request by Harry Bawa, Pinetree Apartments LLC, on behalf of Chanmeet Singh LLC, for a special use permit for multiple-family dwellings as authorized and controlled by the R-5 Multiple Dwelling District Standards at 3060 and 3090 Pinetree Drive, Parcel IDs 059010806 and 059010807 in the B-2 General Commercial District.

---

### EXECUTIVE SUMMARY

The applicant is seeking to construct an approximately 60,000-square-foot, multi-family dwelling comprising 57 units at 3060, and 3090 Pinetree Drive in the B-2, General Commercial Zoning District. A special use permit is required for multi-family housing in the B-2 District. The proposed use, if permitted, will be subject to the regulations of the R-5, Multiple Dwelling District as well as any conditions recommended by Planning Commission and accepted by City Council. The property is designated Community-Mixed Use on the Future Land Use Map of the PetersburgNEXT Comprehensive Plan and staff is recommending approval of the request with conditions.

### CHRONOLOGY OF EVENTS

1. September 25, 2025 – Applicant attended pre-application meeting with City’s Development Review Team
2. February 2, 2026 – Application for special use permit received

### BACKGROUND

The subject property totals two acres, comprising two parcels on the western side of Pinetree Drive in the B-2, General Commercial Zoning District. The property is directly across from Liberty Pointe apartments and north of Pinetree apartments. The land is currently undeveloped, and the applicant is seeking to construct a three-story apartment building with 57 units offered for market-rate rental. The apartment will consist of 51 two-bedroom units and 6 one-bedroom units.

The application was accompanied by a concept plan showing the proposed layout of the site, which would include the apartment building, 108 and off-street parking are with 108 spaces, and various amenities such as a pavilion and playground area and a pedestrian sidewalk along the street frontage. The plan also shows greenspace and plantings throughout the site including parking lot plantings and a landscape buffer along the street frontage consisting of trees, shrubs, and an ornamental fence. The species for the plantings were selected from the approved species list provided by the City Arborist.

The applicant was also accompanied by exterior elevations illustrating the proposed design of the building. The renderings show masonry finish on the first floor and balconies on each unit. The proposed apartment would be similar in size and scale to the Liberty Pointe Apartments directly across Pinetree Drive.

A special use permit is required for multiple-family dwellings in the B-2 District and, if approved, those dwellings are subject to the district standards of the R-5, Multiple Dwelling District including maximum height and minimum area requirements. Per Article 23 of the Zoning Ordinance, Council may grant approval of special use permits when the public health, safety, moral and general welfare will not be adversely affected, and provided that necessary safeguards will be provided to protect surrounding property, persons, and neighborhood values.

#### **ADJACENT ZONING/USES**

All lands surrounding the subject property are also zoned B-2, General Commercial, except for the property directly to the south, which is zoned R-4, Multiple Dwelling. Adjoining and neighboring land uses are largely existing multi-family dwellings to the east and south with undeveloped land to the west.

#### **COMPREHENSIVE PLAN CONSIDERATIONS**

The subject parcels are identified as Community Mixed-Use on the Future Land Use Map of the Comprehensive Plan. The Comprehensive Plan defines these areas as commerce centers for both residents and visitors which are walkable, dense, and interconnected. Appropriate future development in Community Mixed-Use areas includes adaptive re-use, multi-family dwellings, offices, personal service establishments, and small-scale commercial uses. The Comprehensive Plan goes on to emphasize the importance of compact development patterns, open space and park facilities, and pedestrian amenities as development principles in these areas.

One major objective of the Comprehensive Plan is to facilitate a diverse and attainable housing stock in the City. The plan encourages identification of key opportunity areas for infill development that's compatible with its surroundings.

Multi-family housing at this location appears to be supported by the Comprehensive Plan. Multi-family dwellings would be in keeping with the primary land uses in a Community Mixed-Use area and the project would provide additional housing units. The project would be an example of appropriate infill development with additional units being provided in an area with existing multi-family development and resources such as a bus stop.

## **PUBLIC INPUT**

As of the writing of this report, staff have received no telephone calls, emails, or letters in support of or in opposition to the request.

## **RECOMMENDATION**

Staff recommends approval of the Special Use Permit subject to the following conditions:

- 1) The subject property shall be consolidated into a single parcel prior to approval of the site plan for the development.
- 2) The property shall be developed in substantial accordance with the “Pinetree Apartments Schematic Layout” prepared by The Site Design Company and dated August 22, 2025, including the following:
  - a. Provision of streetscape improvements, including sidewalk, landscape buffer, and ornamental fence.
  - b. Provision of on-site amenities, including playground and pavilion.
  - c. Provision of landscaping throughout the site, including plantings from the Approved Tree Species list within the parking area and along the street frontage.
- 3) The building shall be constructed in substantial accordance with the “Pine Tree Apartments Building Exterior” Plans dated February 26, 2026; a list of building materials shall be provided to the Planning Department for review during prior to a building permit being issued for construction of the building.
- 4) The developer shall provide at least one (1), multi-loop bicycle parking rack for the building.
- 5) The development shall include on-call management and maintenance staff as well as on-site security surveillance.
- 6) Off-street parking spaces shall be allocated to residents with two (2) parking spaces assigned to each two-bedroom unit and one (1) parking space to each one-bedroom unit.
- 7) A plan identifying specifications for the on-site amenities shall be provided to the Planning Department for review and approval prior to approval of a site plan for the development.
- 8) The property shall be kept and maintained in a clean, orderly manner; the property owner shall be responsible for regular trash collection to the extent necessary to avoid accumulation of household waste on the property.
- 9) This permit may be revoked by the City of Petersburg City Council or its designated agent for failure by the applicant to comply with any of the listed conditions or any provision of Federal, State, or local regulations.

## **ATTACHMENTS**

Presentation

Resolution

Application

Location Map

Concept Plan

Conceptual Renderings

Zoning Map and Future Land Use Map

Comprehensive Plan Excerpt – Community Mixed-Use Areas

Adjoining Property Owners List

PLANNING  
COMMISSION  
MEETING

MARCH 5, 2026



## 2026-SUP-02:

Request by Harry Bawa, Pinetree Apartments LLC, on behalf of Chanmeet Singh LLC, for a special use permit for multiple-family dwellings as authorized and controlled by the R-5 Multiple Dwelling District Standards at 3060 and 3090 Pinetree Drive, Parcel IDs 059010806 and 059010807 in the B-2 General Commercial District.

# Subject Property



# Request and Background

---

- Applicant seeking to construct three-story apartment comprising 57 market rate units
- Special Use Permit is required for multi-family dwellings in B-2 District; subject to R-5 District regulations and any conditions of approval
- Property currently undeveloped; neighboring Liberty Pointe Phase I and Pinetree Apartments
- Concept plan and elevations provided with application

# Existing Conditions





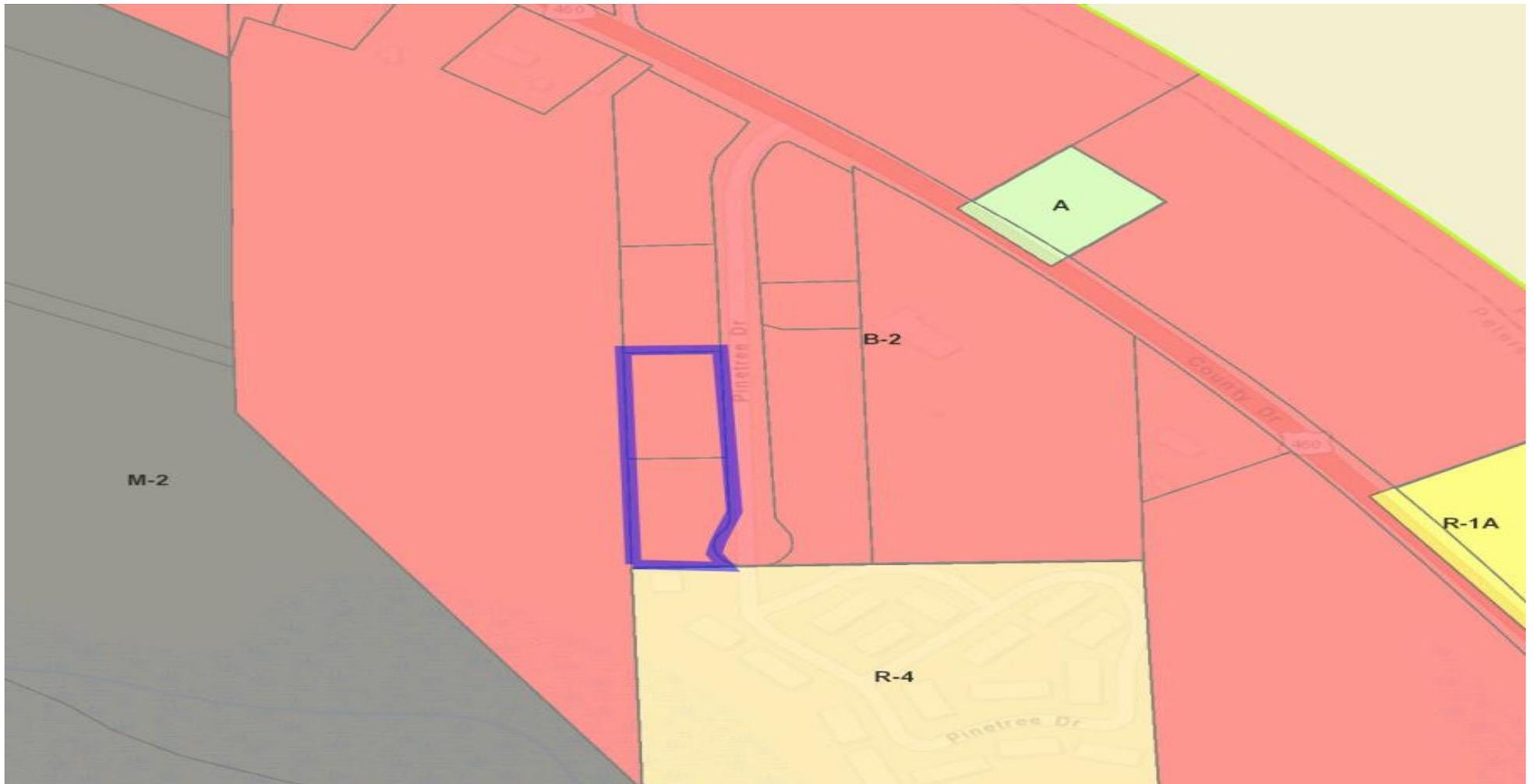
# Elevations



*Petersburg*  
VIRGINIA

# Adjoining Zoning

---



# Comprehensive Plan Considerations

---

- Community Mixed-Use on Future Land Use Map; principal land uses include adaptive reuse, multi-family dwellings, offices, personal services and small-scale office and retail uses
- Compact development pattern and resident amenities encouraged
- Goal of creating diverse and attainable housing stock, City should identify areas for compatible infill development

# Proposed Conditions

---

- 1) The subject property shall be consolidated into a single parcel prior to approval of the site plan for the development.
- 2) The property shall be developed in substantial accordance with the “Pinetree Apartments Schematic Layout” prepared by The Site Design Company and dated August 22, 2025, including the following:
  - a) Provision of streetscape improvements, including sidewalk, landscape buffer, and ornamental fence.
  - b) Provision of on-site amenities, including playground and pavilion.
  - c) Provision of landscaping throughout the site, including plantings from the Approved Tree Species list within the parking area and along the street frontage.
- 3) The building shall be constructed in substantial accordance with the “Pine Tree Apartments Building Exterior” Plans dated February 26, 2026; a list of building materials shall be provided to the Planning Department for review during prior to a building permit being issued for construction of the building

# Proposed Conditions

---

- 4) The developer shall provide at least one (1), multi-loop bicycle parking rack for the building.
- 5) The development shall include on-call management and maintenance staff as well as on-site security surveillance.
- 6) Off-street parking spaces shall be allocated to residents with two (2) parking spaces assigned to each two-bedroom unit and one (1) parking space to each one-bedroom unit.
- 7) A plan identifying specifications for the on-site amenities shall be provided to the Planning Department for review and approval prior to approval of a site plan for the development.
- 8) The property shall be kept and maintained in a clean, orderly manner; the property owner shall be responsible for regular trash collection to the extent necessary to avoid accumulation of household waste on the property.
- 9) This permit may be revoked by the City of Petersburg City Council or its designated agent for failure by the applicant to comply with any of the listed conditions or any provision of Federal, State, or local regulations.

# Planning Commission Options

---

- Recommend Approval of special use permit with conditions as drafted
- Recommend Approval of special use permit with amended conditions
- Recommend Denial of special use permit

Staff Recommendation: Approval of special use permit with conditions as drafted

**A RESOLUTION RECOMMENDING APPROVAL OF A PETITION FOR A SPECIAL USE PERMIT FOR  
MULTIPLE-FAMILY DWELLINGS AS AUTHORIZED AND CONTROLLED BY THE R-5 MULTIPLE DWELLING  
DISTRICT STANDARDS 3060 AND 3090 PINETREE DRIVE PARCEL IDENTIFICATION NUMBERS 059010806  
AND 059010807 IN THE B-2, GENERAL COMMERCIAL DISTRICT.**

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

WHEREAS, the City received a petition from Harry Bawa, on behalf of Chanmeet Singh, LLC, owner of property at 3060 and 3090 Pinetree Drive for a special use permit pursuant to Article 23 of the Zoning Ordinance to construct a 57-unit multiple-family dwelling subject to the regulations of the R-5 Multiple Dwelling District; and

WHEREAS, the PetersburgNEXT Comprehensive Plan designates the property as Community Mixed-Use on the Future Land Use Map and Community Mixed-Use which is supportive of multi-family dwelling development and the proposed project would match the existing neighborhood development pattern and increase the city's housing stock; and

WHEREAS, Planning Staff have made recommendations for several conditions to ensure that the proposed development of the property would be in conformance with the Comprehensive Plan;

WHEREAS, the Planning Commission recommends approval with conditions as listed below to mitigate potential adverse impacts to surrounding properties and to promote general welfare; and

WHEREAS, pursuant to the requirements of Titles 15.2-2204 and 15.2-2285 of the Code of Virginia, as amended, a public hearing was advertised and held, in accordance with applicable laws.

**NOW THEREFORE BE IT RESOLVED** that Planning Commission does hereby recommend approval of a petition for a Special Use Permit for multiple-family dwellings as authorized and controlled by the R-5 Multiple Dwelling District standards at 3060 and 3090 Pinetree Drive subject to the following conditions:

1. The subject property shall be consolidated into a single parcel prior to approval of the site plan for the development.
2. The property shall be developed in substantial accordance with the "Pinetree Apartments Schematic Layout" prepared by The Site Design Company and dated August 22, 2025, including the following:
  - a. Provision of streetscape improvements, including sidewalk, landscape buffer, and ornamental fence.
  - b. Provision of on-site amenities, including playground and pavilion.
  - c. Provision of landscaping throughout the site, including plantings from the Approved Tree Species list within the parking area and along the street frontage.
3. The building shall be constructed in substantial accordance with the "Pine Tree Apartments Building Exterior" Plans dated February 26, 2026; a list of building materials shall be provided to the Planning Department for review during prior to a building permit being issued for construction of the building.
4. The developer shall provide at least one (1), multi-loop bicycle parking rack for the building.

5. The development shall include on-call management and maintenance staff as well as on-site security surveillance.
6. Off-street parking spaces shall be allocated to residents with two (2) parking spaces assigned to each two-bedroom unit and one (1) parking space to each one-bedroom unit.
7. A plan identifying specifications for the on-site amenities shall be provided to the Planning Department for review and approval prior to approval of a site plan for the development.
8. The property shall be kept and maintained in a clean, orderly manner; the property owner shall be responsible for regular trash collection to the extent necessary to avoid accumulation of household waste on the property.
9. This permit may be revoked by the City of Petersburg City Council or its designated agent for failure by the applicant to comply with any of the listed conditions or any provision of Federal, State, or local regulations; and

**PETITION FOR SPECIAL USE PERMIT**

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

CASE NUMBER: \_\_\_\_\_  
APPLICANT: Pinetree Apartments LLC  
ADDRESS: 441 Rivergate Drive, Richmond, VA 23238

I, Harry Bawa hereby petition for a special use permit for apartments  
at the following described properties: 3090 Pinetree Drive  
3060 Pinetree Drive

**A. DESCRIPTION OF PROPOSED USE: (INCLUDE ANY PROPOSED CONDITIONS)**

Fifty-seven (57) apartments are proposed. As part of the development, amenities include a playground, pavillion, landscaped buffer with ornamental fence, and adequate parking to the side and rear of the property. Fifty one (51) units will be 2-bedroom apartments, and six (6) units will be 1-bedroom apartments.

**B. PROPERTY INFORMATION**

1. Tax Parcel Identification Number(s):

059010807  
059010806

2. Current Street Address(es) if assigned:

3090 Pinetree Drive  
3060 Pinetree Drive

3. Approximate Area:

~ 85,000 sq. ft.                      2 acres

4. Public Street Frontage:

~ 600 linear feet ft.

5. A boundary plat of this property outlining the area to be use must be attached to this petition.

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

Unaware of any deed restrictions that might affect the use of this property.  
\_\_\_\_\_  
\_\_\_\_\_

7. Brief:

Said deed restrictions will expire on: N/A

**C. JUSTIFICATION FOR SPECIAL USE PERMIT**

- 1. The proposed use is in the interest of the public health, safety, morals and general welfare of the community because: (Provide a detailed statement of reasons why the proposed use should be granted).**

Well-built and well-maintained housing units are needed in Petersburg. As the City's Comprehensive Plan states, "Housing is a fundamental human need, and Petersburg will work diligently over the next twenty years to provide housing for all." Most of the existing housing stock in Petersburg are single-family dwellings. Having a diversity of housing types for various income levels is crucial for the community to ensure all residents' needs are met as housing is a "critical building block toward a better economy, and ultimately a stronger and more sustainable community."

- 2. The material impact of the proposed use 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 and/or present ways the impact may be mitigated).**

The property is well situated to minimize any impacts and the applicant's proposal is consistent with nearby development patterns. Parking will be placed along the sides and rear of the building and there will be a buffer with an ornamental fence to further screen the property. The property is surrounded by either undeveloped land or existing multi-family development.

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

The property is situated near existing multifamily developments and will have adequate parking and amenities. Housing was identified in the comprehensive plan as a need, particularly a need for a diversity of housing options. Given the importance of providing diverse housing options, the property's location, and the minimal impact to the neighboring properties, this proposal will be advantageous to the City, as well as being consistent with the goals and objectives of the comprehensive plan, including the future land use map.

- 4. Describe your experience with developing and maintaining the use in question (Provide references and/or examples).**

Mr. Harry S Bawa, the applicant, is a Founding and Managing Member of Pinetree Apartments LLC. He is a retired international marketing and sales executive with vast experience in land development, construction, and management, specifically in residential housing, commercial office buildings, shopping centers, and hotels. His largest projects include the development, construction, operation and maintenance of a 141- room Wingate by Wyndham in Chantilly, Va and a 102-room Wingate by Wyndham in Short Pump, Richmond, Va.

Additionally, Mr. Bawa has a partner who holds a Class A contractor license in Virginia and a partner with 5 years of experience building townhouses and single-family residences in Virginia.

LOTS OF EXPERIENCE IN RESIDENTIAL AND HOSPITALITY CONSTRUCTION, AND A SECOND PARTNER HAS (5) YEARS OF EXPERIENCE IN BUILDING SMALL TOWNHOUSES AND SMALL SINGLE FAMILY RESIDENCES, ALSO IN VIRGINIA ..

**D. CERTIFICATION:**

The undersigned applicant certifies that they:

Asbawa

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

Asbawa

(b) possess a proprietary interest in (contract or option agreement)

the property(ies) identified within this PETITION FOR SPECIAL USE PERMIT, 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:

Asbawa

Mailing Address:

441 Rivegate Drive

Richmond, VA 23238

Phone Number:

Email Address:

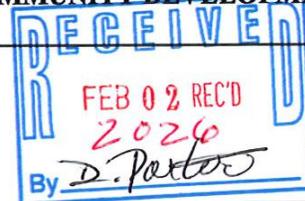


APPROVED

\_\_\_\_\_  
City Attorney

TO BE FILED IN THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ACTION RECORD



Date Filed (with Planning Department): \_\_\_\_\_

Date of Planning Commission Public Hearing: \_\_\_\_\_

Planning Commission Action(s): \_\_\_\_\_

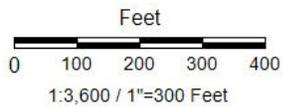
Date of City Council Hearing: \_\_\_\_\_

City Council Action(s): \_\_\_\_\_

# Petersburg, Virginia

## Legend

-  City Boundary
-  Parcels

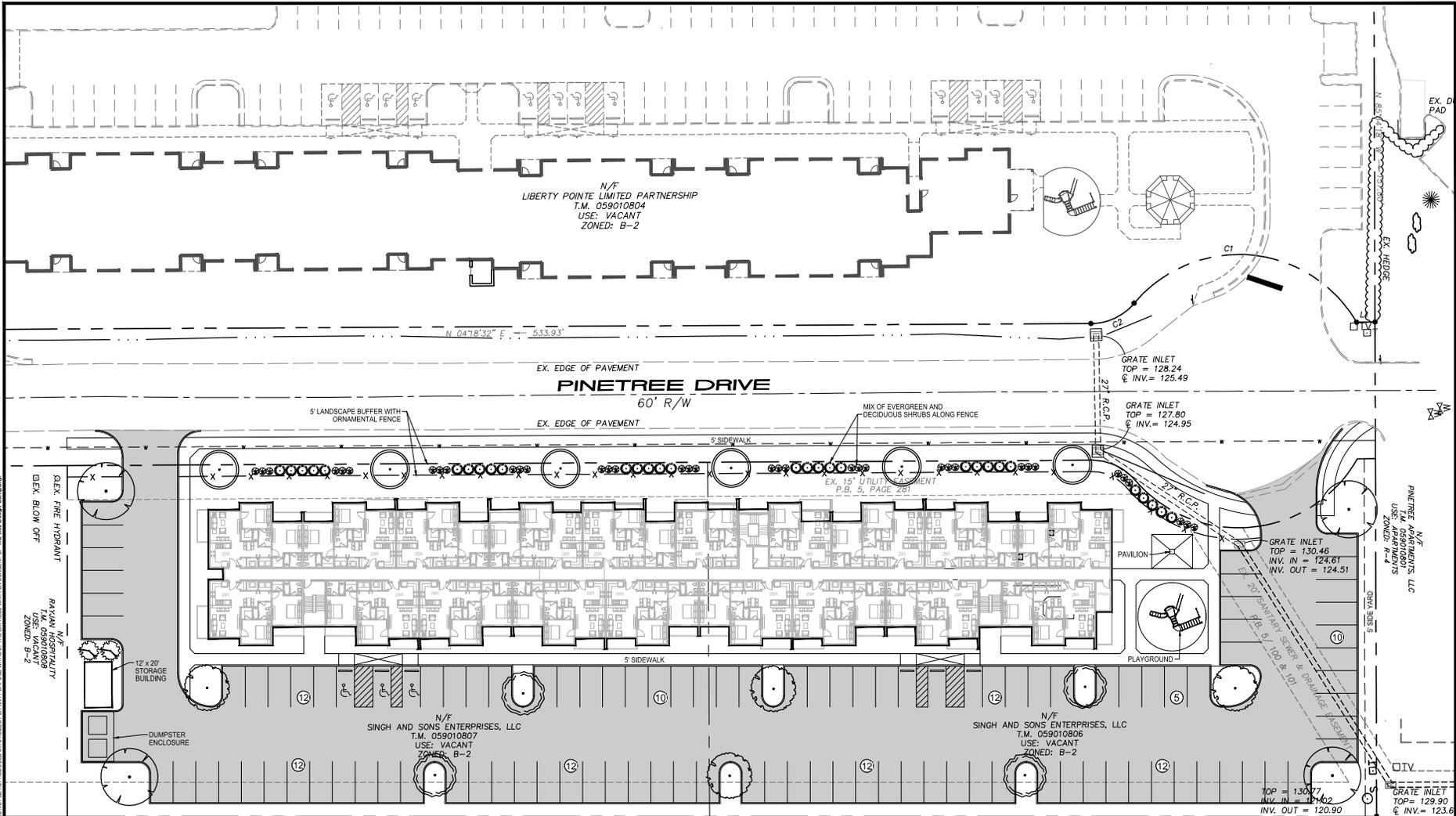


**Title: Location Map**

**Date: 2/23/2026**

*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.*

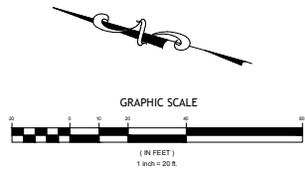
THESE DRAWINGS ARE THE EXCLUSIVE PROPERTY OF THE SITE DESIGN COMPANY AND SHALL NOT BE REPRODUCED OR UTILIZED FOR ANY PURPOSES WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SITE DESIGN COMPANY.



17 X 2-BR X 3 FLOORS = 51 UNITS  
 2 X 1-BR X 3 FLOORS = 6 UNITS  
 TOTAL = 57 UNITS  
 108 PARKING SPACES REQUIRED  
 108 PARKING SPACES PROVIDED

N/F  
 PRODUCE CENTER RENTALS LLC  
 T.M. 059010002  
 USE: VACANT  
 ZONED: B-2

SYMBOL	SCIENTIFIC NAME	COMMON NAME
TREES		
	NYSSA SYLVATICA	BLACK GUM
	ACER RUBRUM	RED MAPLE
	ACER BUEGERANUM	TRIDENT MAPLE
	CERCIS CANADENSIS	EASTERN REDBUD
	ILEX X NELLIE R. STEVENS	NELLIE STEVENS HOLLY



**The Site Design Company**  
 CIVIL ENGINEERING AND LAND DEVELOPMENT CONSULTING  
 701 SUNKEN MEADOW ROAD, SPRING GROVE, VIRGINIA 23881  
 www.sitedesignco.com  
 PHONE: 804-750-9940  
 EMAIL: thompson@thesitedesignco.com

PROJECT # 20109 PROJECT MANAGER: CHRIS THOMPSON

DATE: AUGUST 22, 2025

NO.	DATE	REVISION
1	2-20-2025	REVISION BLOCK
2	2-20-2025	REVISED LAYOUT FOR INCREASED GREENSPACE

**PINETREE APARTMENTS**  
 PETERSBURG, VA  
 SCHEMATIC LAYOUT

SHEET NO.  
**C1**



VIEW FROM WEST SIDE

PHASE-1 + PHASE 2



ARCHITECT  
NITIN KULKARNI  
AIA NCARB  
PHD AIA 00000000

**PINE TREE APARTMENTS**  
PETERSBURG, VA

Date: FEB 26, 2025

REVISIONS		
NO.	DATE	COMMENTS
1	DEC 24, 2025	PRELIMINARY FLOOR PLANS
2	FEB 26, 2025	BUILDING EXTERIOR

Sheet  
**A-100A**  
BUILDING EXTERIOR

THIS DRAWING IS THE PROPERTY OF NITIN KULKARNI AIA. ANY USE, REUSE, REPRODUCTION, DISPLAY OR SALE OF THIS DRAWING WITHOUT THE EXPRESS WRITTEN CONSENT OF NITIN KULKARNI AIA IS STRICTLY PROHIBITED.



VIEW FROM SOUTH SIDE

PHASE-1 + PHASE 2



**PINE TREE APARTMENTS**  
PETERSBURG, VA

Date: FEB 26, 2025

REVISIONS		
NO.	DATE	COMMENTS
1	DEC 24, 2025	PRELIMINARY FLOOR PLANS
2	FEB 26, 2025	BUILDING EXTERIOR

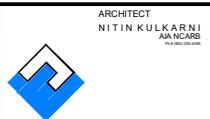
Sheet  
**A-100B**  
BUILDING EXTERIOR

THIS DRAWING IS THE PROPERTY OF NITIN KULKARNI AIA. ANY USE, REUSE, REPRODUCTION, DISPLAY OR SALE OF THIS DRAWING WITHOUT THE EXPRESS WRITTEN CONSENT OF NITIN KULKARNI AIA IS STRICTLY PROHIBITED.



VIEW FROM EASTSIDE (PINE TREE DRIVE)

PHASE-1 + PHASE 2



ARCHITECT  
NITIN KULKARNI  
AIA NCARB  
P.L.L.C.

**PINE TREE APARTMENTS**  
PETERSBURG, VA

Date: FEB 26, 2025

REVISIONS		
NO.	DATE	COMMENTS
1	DEC 24, 2025	PRELIMINARY FLOOR PLANS
2	FEB 26, 2025	BUILDING EXTERIOR

Sheet  
**A-100C**  
BUILDING EXTERIOR

THIS DRAWING IS THE PROPERTY OF NITIN KULKARNI AIA. ANY USE, REUSE, REPRODUCTION, DISPLAY OR SALE OF THIS DRAWING WITHOUT THE EXPRESS WRITTEN CONSENT OF NITIN KULKARNI AIA IS STRICTLY PROHIBITED.



VIEW FROM NORTH SIDE (PINE TREE DRIVE)

PHASE-1 + PHASE 2



ARCHITECT  
NITIN KULKARNI  
AIA, NCARB

**PINE TREE APARTMENTS**  
PETERSBURG, VA

Date: FEB 26, 2025

REVISIONS		
NO.	DATE	COMMENTS
1	DEC 24, 2025	PRELIMINARY FLOOR PLANS
2	FEB 26, 2025	BUILDING EXTERIOR

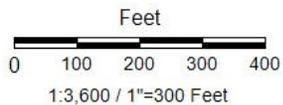
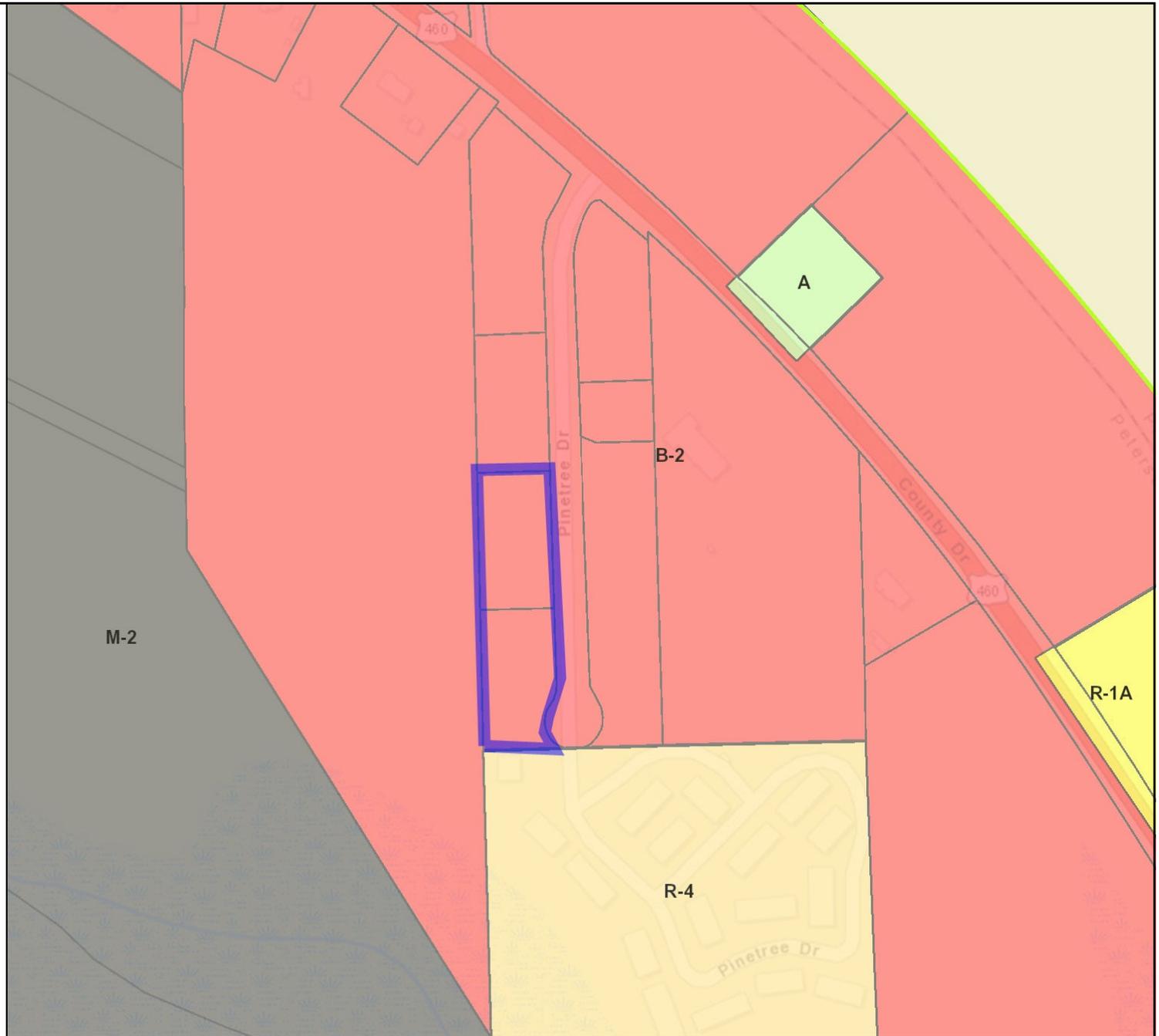
Sheet  
**A-100D**  
BUILDING EXTERIOR

THIS DRAWING IS THE PROPERTY OF NITIN KULKARNI AIA. ANY USE, REUSE, REPRODUCTION, DISPLAY OR SALE OF THIS DRAWING WITHOUT THE EXPRESS WRITTEN CONSENT OF NITIN KULKARNI AIA IS STRICTLY PROHIBITED.

# Petersburg, Virginia

## Legend

- City Boundary
- Parcels
- Zoning**
- A
- B-1
- B-2
- B-2 (C)
- B-3
- B-3 (C)
- ERC
- M-1
- M-1 (C)
- M-2
- MXD1
- MXD2
- MXD3
- PUD
- R-1
- R-1 (C)
- R-1A
- R-1A (C)
- R-2
- R-3
- R-4
- R-5
- R-5 (C)
- R-6
- RB
- RMH
- RTH
- RTH (C)



**Title: Zoning Map**

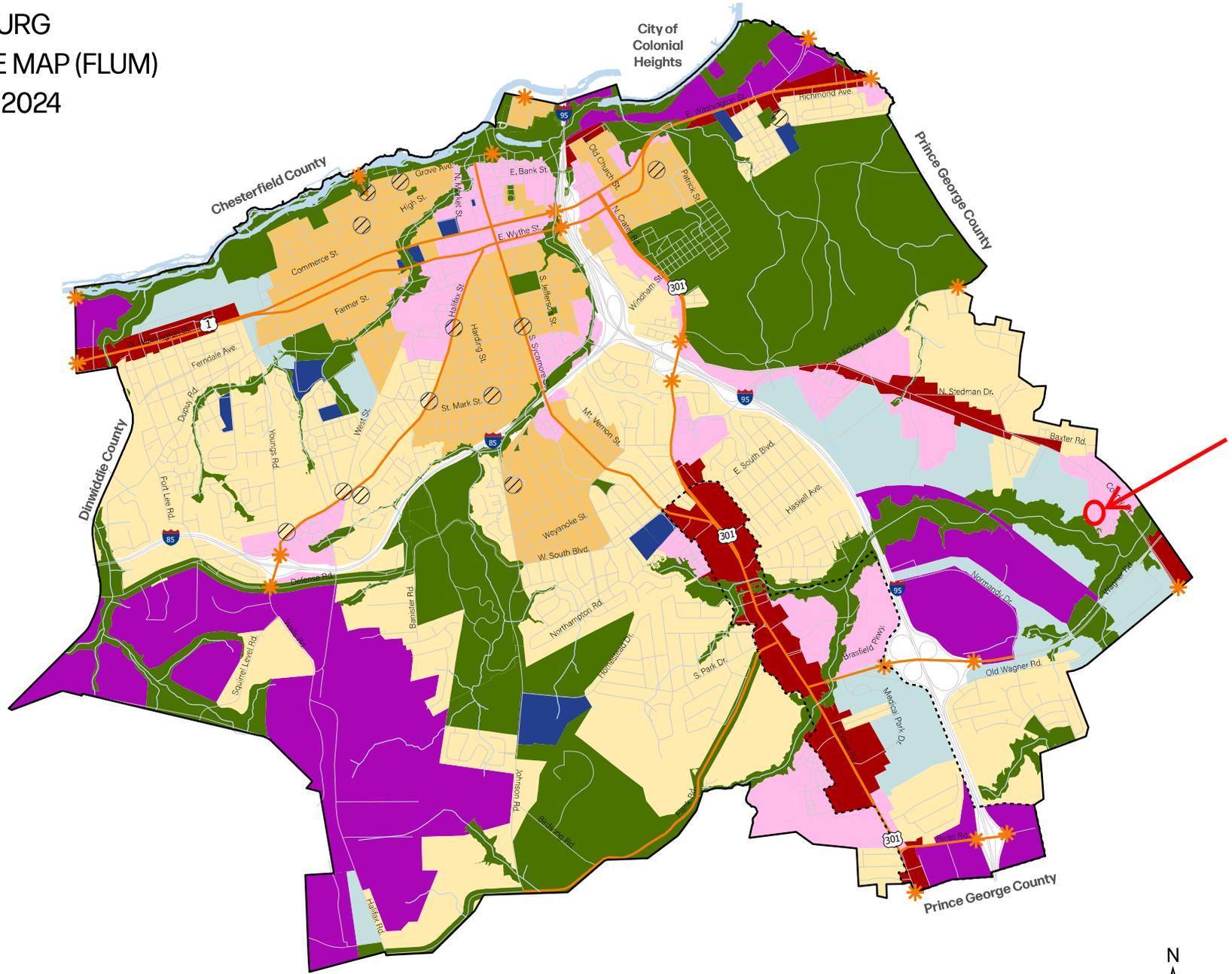
**Date: 2/23/2026**

*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.*

**CITY OF PETERSBURG  
FUTURE LAND USE MAP (FLUM)  
ADOPTED MAY 21, 2024**

**LEGEND**

-  City Limits
-  Roads
-  Appomattox River
-  Waterways
-  South Crater Urban Development Area (UDA)
-  Historic Core Neighborhoods
-  Community Residential
-  Neighborhood Commercial
-  Community Mixed-Use
-  Corridor Commercial
-  Research and Development
-  General Industrial
-  Civic
-  Conservation and Recreation
-  Gateways
-  Corridors



## COMMUNITY MIXED-USE

Community mixed-use areas are centers of commerce and amenities for Petersburg residents and visitors alike. These areas are walkable, dense, and interconnected environments of entertainment, shopping, personal services, restaurants, hotels, offices, the arts, and residential uses. While the footprint of community mixed-use areas should not expand in a manner that overwhelms or endangers historic core neighborhoods or conservation areas, their use and intensity may expand in ways that are compatible with Petersburg's historic and architectural character and urban form. Community mixed-use areas are appropriate areas for commercial uses that are pedestrian-oriented, enhance a vibrant street life, and contribute to Petersburg's overall economy. These areas should also integrate pocket parks, street trees, and urban gardens to promote an aesthetically pleasing streetscape and promote air quality and temperature reductions within identified heat islands.

In some community-mixed use areas, such as Old Towne, there may be few opportunities for new development. Therefore, adaptive reuse and infill are most likely to occur and be most appropriate given the historic context of the area. Any investment, however, should ensure the preservation of historic structures

and continue the architectural character of the surrounding area. Renovations, infill, and new construction within designated Local Historic Districts should conform to the Historic District Design Guidelines and decisions of the ARB. Where development and redevelopment occur within a quarter of a mile of a designated historic district, but are not regulated under historic district overlays, adherence to the City's Historic District Design Guidelines should be considered.

### **Primary Land Uses**

- Adaptive reuse
- Infill development
- Community hubs
- Hospitality-oriented uses (e.g., hotels, boutiques, galleries, restaurants)
- Live-work units
- Medical clinics (e.g., dentists, doctors, therapists)
- Multi-family residential dwellings
- Offices
- Parks and recreational spaces
- Personal services (e.g., hair salons, laundromats, pharmacies)
- Places of worship
- Small commercial (e.g., banks, specialty food stores)
- Small-scale manufacturing (e.g., makers' spaces, studios, microbreweries)
- Uses compatible with Fort Gregg-Adams



### **Planning + Development Principles**

- Compact development patterns, including cluster and traditional neighborhood development, are encouraged.
- Connect existing and established new trails, bicycle routes, and other recreational amenities.
- Incorporate use of public art, amenities (i.e., benches, trash cans, street trees), and wayfinding signage to orient visitors and create a sense of place.
- Implement traffic calming measures.
- Incorporate high-quality materials for all buildings.
- Open space should be integrated and provide for community spaces well-defined by streets and adjacent buildings.
- Preservation, renovation, reuse, and adaptive use of existing structures is encouraged.
- Preserve the existing tree canopy wherever possible and include native plantings when new landscaping is necessary.

Address	Owner	Mailing Address	City	State	ZIP
2918 County Dr	Produce Center Rentals LLC	2938A County Dr	Petersburg	VA	23803
3100 Pinetree Dr	MP Pinetree LLC	111 Pine Street STE 1850	San Francisco	CA	94111
3061 Pinetree Dr	Liberty Pointe Lp C/O Woda Cooper Co Inc Attn: Connor Swa	500 Front St 10Th Fl	Columbus	OH	43215
3060 Pinetree Dr, 3090 Pinetree Dr	Chanmeet Singh LLC	12741 Ellington Woods Pl	Glen Allen	VA	23059
3030 Pinetree Dr, 3000 Pinetree Dr	3030 Pinetree LLC	10608 Sherwin Rd	Glen Allen	VA	23059
3001 Pinetree Dr , 3091 Pinetree Dr	Vital Housing LLC	41912 Clover Valley Ct	Ashburn	VA	20148



# City of Petersburg

Department of Planning and Community Development  
135 N Union St, Room 304  
Petersburg, VA 23803  
(804) 733-2308

## MEMORANDUM

**DATE:** March 5, 2026

**TO:** Planning Commission

**FROM:** Planning and Community Development

**RE:** 2025-REZ-05: Consideration of a resolution recommending approval of a request by Hank Winton, on behalf of Elizabeth Hale, James Powell, Robert Powell, John Powell, and Jenine Crowe, to rezone with proffers property at 1681 and 1683 South Crater Road, 1910 Westchester Drive, and 1055 King Avenue, Parcel IDs 042110802, 042110002, 042110011, and 042090014, from the R-4 Multiple-Dwelling and R-1 Single-Family Residence Districts to the RTH, Residential Town House District.

---

### EXECUTIVE SUMMARY:

The City has received a request to rezone four undeveloped parcels located at 1681 South Crater Road, 1683 South Crater Road, 1910 Westchester Drive, and 1055 King Avenue to the RTH, Residential Townhouse District. Three of the parcels are currently in the R-1, Single-Family Residence District and one of the parcels is within the R-4, Multiple Dwelling District. The property is designated primarily as Community Mixed-Use on the Future Land Use Map of the PetersburgNEXT Comprehensive Plan. Sixteen proffers were included with the application for the City's consideration. Staff is recommending denial of the request as presented.

### CHRONOLOGY OF EVENTS:

1. June 2025 – Present – Staff have coordinated with the applicant, including in-person meetings to provide feedback on the proposed rezoning
2. September 10, 2025 – Staff received an application to rezone the property
3. September 23, 2025 – Applicant requested deferral to address staff questions and receive additional feedback from City Development Review Team

4. November 13, 2025 – Applicant hosted community meeting to present plans and receive questions.
5. November, 2025 – February, 2026 – Applicant completed Traffic Impact Analysis for proposed development
6. February 26, 2026 – The applicant held a second community meeting.

**BACKGROUND:**

The subject property extends east from South Crater Road, abutting the First Colony Townhouses and the Myrick Acres subdivision to the north, the Pine Hill subdivision to the east, and the Westchester subdivision to the south. The four parcels total approximately 26 acres in area. A large portion of the site is located within the Chesapeake Bay Protection Area (CBPA) and the site contains wetlands throughout. The applicant is requesting to rezone the property to the RTH, Residential Town House District for the purpose of constructing a subdivision with up to 101 market-rate townhouse units for sale.

Article 12 of the Zoning Ordinance specifies the regulations for townhouse developments in the RTH District, including requirements for height, area, and bulk as well as for architectural treatment and parking. Developments are allowed at a density of up to 12 units per acre.

**REQUEST:**

The application was accompanied by a concept plan showing the proposed layout of the development. The plan depicts 101 townhouse units in clusters of between three and six units spread across the site. Interior streets are shown as privately maintained. The plans indicate that 1683 South Crater Road would be reserved for a single-family detached dwelling despite the Residential Town House zoning designation.

The plan shows a 50-foot vegetative buffer around the perimeter of the site as well as two stormwater management areas. Amenities shown on the plan include walking trails, a playground, a pavilion, and a dog park. The amenities and common areas proposed comprise 6.41 acres in total.

The application also included illustrative renderings of proposed units. Units are shown with three bedrooms and two stories. The proposed proffers include additional details on the proposed elevations and materials. Renderings were also provided showing examples of the on-site amenities and the proposed entrance sign for the development.

**SITE ACCESS:**

There are two proposed entrances to the site. The existing driveway onto 1683 South Crater Road would be improved to an access drive for the site with a right-in/right-out entrance. Additionally, an entrance to the site from Allen Avenue in the Myrick Acres subdivision would be provided off of Myrick Avenue. The entrance would be accessible for right and left turns

from Allen Avenue but restricted to right turns only at the exit due to sight distance concerns. It's estimated that Allen Avenue carries approximately 50 trips per day currently.

The applicant has provided a Traffic Impact Analysis studying the proposed entrances. The analysis found that the proposed development would create approximately 664 additional daily trips on the local streets with 47 trips during peak morning traffic ours and 52. It would be expected that 30 percent of the daily trips would enter and exit the development from the South Crater Road entrance and 70 percent would enter and exit on Allen Avenue.

The analysis indicates that no major improvements are warranted to the existing streets based on the proposed development, but notes that the pavement condition on Allen Avenue is poor and on-street parking by existing residents would limit sight distance where the entrance is proposed. The study states that if the project is approved, the applicant would mill and overlay the streets within 200 feet either direction of the proposed entrance and would pursue restriction of on-street parking on Allen Avenue. Please note the parking restriction would be subject to approval by City Council. The applicant has also stated a taper will be provided along South Crater Road approaching the entrance though the study shows it is not warranted.

As noted, a significant portion of the site is located in the Chesapeake Bay Preservation area and the interior drives will require crossing of the Resource Protection Area (RPA), stream, and wetlands on the site. This will require a water quality impact assessment and potential mitigation.

#### **PROFFERS:**

The applicant has provided 16 proffers for the City's consideration. The full proffer statement is included as an attachment to this report, but the proposed proffers are summarized below:

1. The development will be limited to no more than units which will be for sale at market rate. The minimum square footage of each unit will be at least 1,220 square feet.
2. The development will be in substantial conformance with the concept plan unless modifications are approved during the site plan review process.
3. The units will be built in Craftsman Style as shown by the renderings; various exterior materials will be used, and the visible portions of foundations will be brick stone or forms resembling brick. Front stoops will be constructed of brick, stone, and wood or concrete forms that resemble brick. Twenty percent of the façade of each block of units will have stone or brick accents.
4. The units shall be designed with similar elements to the renderings; no two adjacent buildings will have identical elevations on the façade.
5. A buffer at least 50 feet in width will be installed along the perimeter of the property per the concept plan.
6. Six-foot-tall vinyl fences will be installed in the rear yards of units when requested by buyers for privacy. A decorative black aluminum fence with brick columns will be

installed along South Crater Road and black aluminum fencing will be installed along the walking trails and around the stormwater management areas.

7. Interior roads will be privately maintained and constructed to City and VDOT standards.
8. Utilities will be installed underground where possible.
9. Mechanical equipment will be screened from public view at the ground level.
10. Residential light posts will be provided not exceeding 15' in height.
11. Signage will resemble the rendering provided with landscaping and masonry elements.
12. There will be a homeowner's association and restrictive covenants stipulating maintenance of lots, units, streets, and common areas.
13. Trash pickup and street cleaning will not occur between 9:00 p.m. and 7:00 a.m. and dumpsters will be provided throughout the site.
14. If any proffer is unenforceable or revised, the other proffers will remain unaffected.
15. The hours of construction will be limited to between 7:00 a.m. and 7:00 p.m. except in emergency. Sunday hours will be between 9:00 a.m. and 5:00 p.m.
16. Areas within the floodplain or resource protection area (RPA) may only be used for stormwater management, recreational amenities, access drives, and utility easements and will only be developed in accordance with state and local law.

#### **STAFF CONCERNS/QUESTIONS:**

Upon review of the application and accompanying information, staff have identified several questions and concerns which are covered below:

- **Community Feedback:** The proposed development has received significant pushback from residents of the surrounding communities. The applicant hosted a community meeting on November 13, 2025 which was attended by approximately 20 individuals with concerns and questions about the development, including drainage issues, incompatibility with the existing character of the area, and site access and traffic. Staff have also received several written communications voicing the same concerns.
- **Site Access:** The Traffic Impact Analysis indicated that Allen Avenue can support additional traffic with the modest improvements proposed, but most of the traffic for the development would enter and exit from this proposed entrance. There would be an increase of several hundred trips on the local roads in Myrick Acres, which are currently lightly traveled with parking on both sides. There appears to be existing right-of-way to the south of the proposed development, but private driveways have been installed where the possible street extension would occur.
- **CBPA and Wetlands:** The City's Stormwater Program Administrator has indicated there will be significant review involved with the crossings of the wetlands and Resource Protection Area on the site. This could include wetland delineation, a water quality impact assessment, and mitigation measures. This will also include review by the United States Army Corps of Engineers.

- **Exterior Elevations and Materials:** Proffers 3 and 4 reference the elevations provided but note those elevations are for illustrative purposes. While the proffers have specific requirements for façades and materials, these are not reflected in the elevations. Staff believe emphasis should be placed on the quality of the materials and appearance of the new units and it is recommended to have elevations and renderings that clearly reflect what is proposed.
- **Clarity in proffers:** Several of the proffers include confusing or contradictory language:
  - The plans reference 101 units but Proffer 1 limits the development to 100 units. The plans also have a label for 114 units.
  - Proffer 5 mentions that the buffers will be provided “except to the extent necessary for grading, drainage, and utilities.” This language is ambiguous and does not guarantee a certain width for the buffer.
- **Additional detail on concept plan:** It would be helpful to show the proposed lighting structures and dumpsters referenced within the proffers to determine location and compliance with City Code and the Zoning Ordinance. Additionally, the plans should demonstrate compliance with the City’s parking lot landscaping requirements.
- **Home ownership:** City Council has emphasized the importance of home ownership. While townhouse units offer potential for homeownership, there is concern that a single party could buy numerous units and offer them for rent rather than sale.

**ADJACENT ZONING/USES:**

Properties along South Crater Road including a portion of the subject property are within the R-4, Multiple Dwellings Zoning District. Uses within this area consist of single-family dwellings to the south and multi-family housing to the north, including First Colony Townhouses and Crater Square Apartments.

The largest portion of the subject property is located in the R-1, Single-Family Residence District. This portion of the site is bordered on the north, south and east by properties also within the R-1 District, all of which are developed with single-family subdivisions, including Myrick Acres to the north, Pine Hill to the east, and Westchester to the south.

**COMPREHENSIVE PLAN CONSIDERATIONS:**

The subject property is designated as Community Mixed-Use on the Future Land Use Map of the PetersburgNEXT Comprehensive Plan. Community Mixed-Used areas are described as centers of commerce and amenities which contribute to Petersburg’s overall economy. Primary land uses in Community Mixed-Use areas include infill development, hospitality-oriented uses, multi-family dwellings, offices, personal services, and small commercial uses.

Development principles for Community Mixed-Use areas include use of compact development patterns, provision of trails, bike routes, and recreational amenities, and preservation of open

space and the existing tree canopy. The principles also include a recommendation for the use of high-quality materials for all buildings.

Single-family attached dwellings (i.e. townhouses) are not listed as a primary use in Community Mixed-Use areas, but it should be noted that the existing uses in the area surrounding the subject property are a mix of residential.

The project as proposed does retain a significant portion of the existing tree canopy and the concept plan shows amenities and facilities throughout the site for residents, including sidewalk, walking trails, a dog park, a playground, and a pavilion area. Staff would note the desire to see higher-quality building materials used for proposed dwelling units and the encouragement to match and continue the character of surrounding areas.

The Comprehensive Plan also speaks to the importance of homeownership, and one of the plan's major objectives is to expand pathways to homeownership through partnerships, education, and eliminating regulatory barriers. The plan states "the priority for future housing investments should focus on affordable homeownership" and says the City should promote "missing middle" housing, including townhouses, which are a "great option for first-time homebuyers." The proposed townhouse units would increase the city's housing stock and provide potential avenues to homeownership, but in some instances, individual parties will buy a number of units to be offered for rental only.

#### **PUBLIC Input:**

Staff has received four written public comments opposing the request, which are included as attachments to this report. Additionally, the applicant hosted a community meeting on November 13, 2025 to present an overview of the proposed development and receive questions from neighboring residents. Approximately 20 residents attended the meeting.

Concerns raised by residents include the impacts to local traffic conditions, worsening of existing drainage and flooding issues on the property and surrounding properties, environmental impacts from the removal of trees on the site, and incompatibility of townhomes with the majority of the existing development surrounding the property.

The applicant has indicated a second community meeting will be held February 26, which will occur after the publishing of this report

#### **RECOMMENDATION:**

Staff recommends denial of the application as proposed.

There is significant concern over the proposed entrance to the development from Allen Avenue. While South Crater Road carries high volumes of daily traffic, 70 percent of the traffic for the proposed development would come through the Myrick Acres subdivision where there is a low trip count, particularly on Allen Avenue and vehicl. Per VDOT street standards, Allen Avenue could support more traffic with the paving and sight distance improvements proposed,

but the additional traffic would have a noticeable impact on the existing community. There are currently vehicles parked on both sides of the street throughout the community due to the low trip counts and restriction of on-street parking would require action from City Council.

It appears connection to the subject property was intended from the Westchester subdivision to the south, but there is no indication that an expansion of the street system for Myrick Acres was planned. The proposed drive would also require a second crossing of the Resource Protection Area and wetlands on the site, increasing the environmental impact of the project and warranting additional review and possible mitigation.

Staff are also uncomfortable with some of the questions raised by the proffers, including the inconsistency between the building elevations provided, the total intended number of units, and the written description and the language regarding buffers on the perimeter of the site.

While the Comprehensive Plan is supportive of increasing the city's housing stock and providing a diverse range of housing, staff feel the challenges with access to the site and the concerns over impacts to surrounding communities make the proposed development and the Residential Town House zoning designation inappropriate for the subject property.

## **ATTACHMENTS**

Presentation

Resolution

Application

Proffer Statement

Survey Plat with Legal Description

Location and Wetland Maps

Concept Plan

Elevations and Floor Plans

Proposed Landscaping for Fence

Sample Homeowners Association Covenants

Sign Rendering

Amenity Examples

Traffic Impact Analysis

Zoning Map and Future Land Use Map

RTH, Residential Townhouse District Regulations

Comprehensive Plan Excerpt on Community Mixed-Use Areas

Adjoining Property Owners List

Public Comments Received

PLANNING  
COMMISSION  
MEETING

MARCH 5, 2026

*Petersburg*  
VIRGINIA

## 2025-REZ-05:

Consideration of a resolution recommending approval of a request by Hank Winton, on behalf of Elizabeth Hale, James Powell, Robert Powell, John Powell, and Jenine Crowe, to rezone with proffers property at 1681 and 1683 South Crater Road, 1910 Westchester Drive, and 1055 King Avenue, Parcel IDs 042110802, 042110002, 042110011, and 042090014, from the R-4 Multiple-Dwelling and R-1 Single-Family Residence Districts to the RTH, Residential Town House District

# Subject Properties

---



# Background

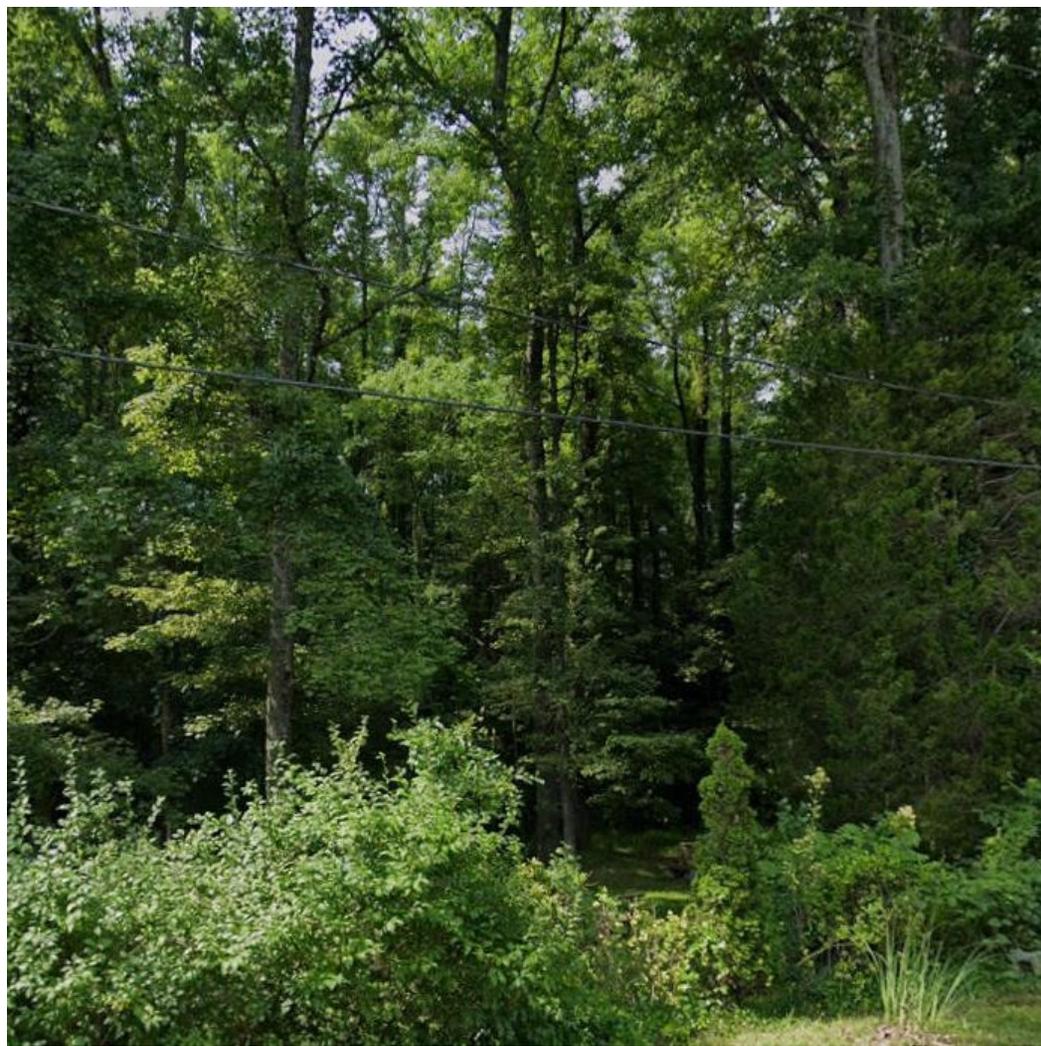
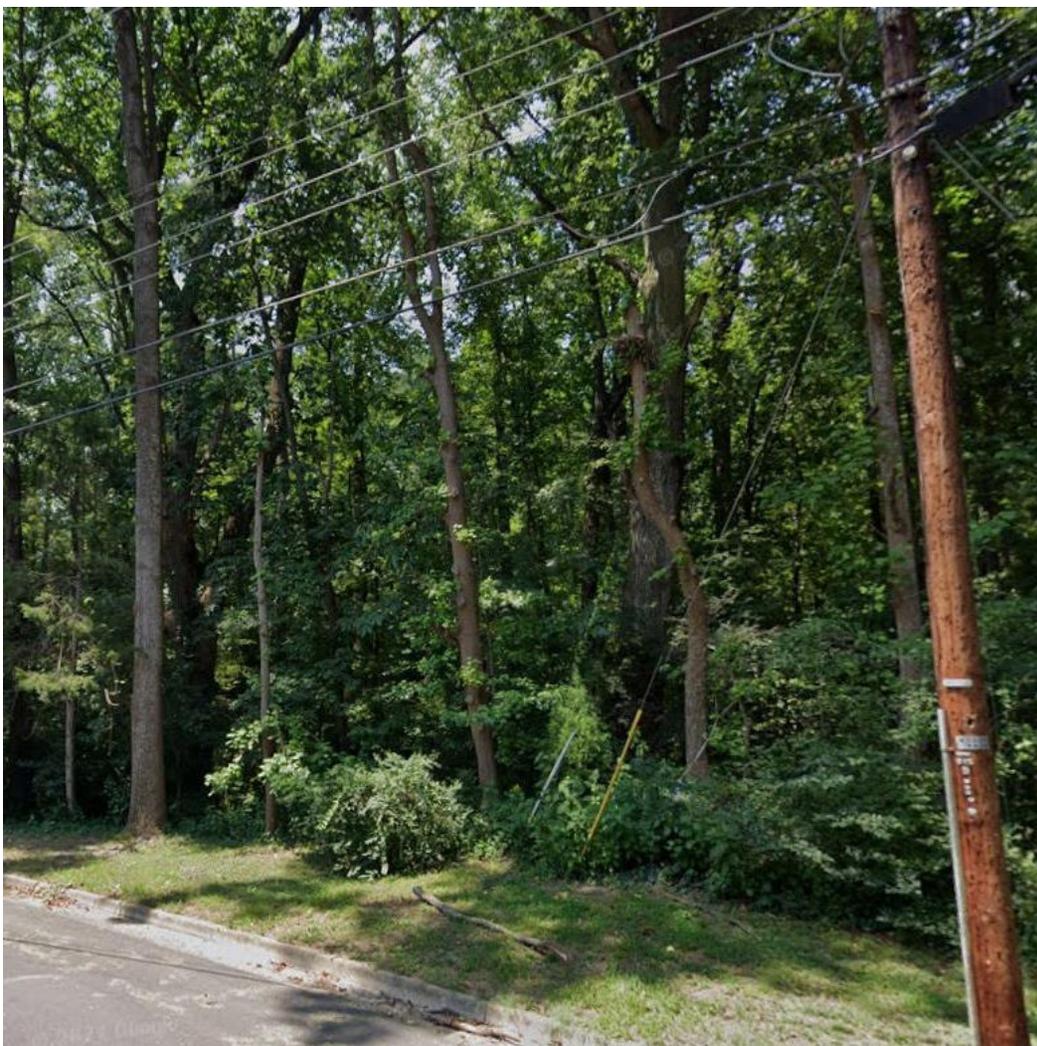
---

- Four parcels totaling approximately 26 acres; 1683 South Crater Road in R-4, Multiple Dwelling District, 1681 South Crater Road, 1910 Westchester Drive, and 1055 King Avenue in R-1, Single-Family Residence District
- Applicant requesting to rezone to RTH, Residential Town House District
- 16 proffers provided for consideration

# Existing Conditions

---





# Existing Conditions

# Request

---

- Rezone to RTH District for purpose of constructing up to 101 townhouse units for sale at market rate
- 1683 South Crater Road to remain a single-family dwelling lot
- Concept plan shows clusters of between 3 and 6 units spread throughout site; 50-foot buffer shown around site perimeter, amenities include dog park, playground, pavilion, and walking trails
- Site access provided from South Crater Road and Allen Avenue; interior streets to be privately maintained
- Illustrative renderings and floorplans provided for 3-bedroom units; proffers include language on materials





# Traffic Impact

---

- Traffic analysis was included along with application; approximately 664 additional daily trips generated
- 70% of trips entering and exiting from Allen Avenue and 30% from South Crater Road
- South Crater Road entrance restricted to right-in/right-out and right turn taper is proposed
- Exits from Allen Avenue entrance restricted to right-only
- Milling and paving and restriction of on-street parking proposed at Allen Avenue entrance



# Proffers

---

1. The townhouse units will be market-rate and offered for sale; the minimum square footage of any unit will be no less than 1,220 square feet.
2. The development will be in substantial conformance with the concept plan unless modifications are approved during the site plan review process.
3. The units will be built in Craftsman Style as shown by the renderings; various exterior materials will be used, and the visible portions of foundations will be brick stone or forms resembling brick. Front stoops will be constructed of brick, stone, and wood or concrete forms that resemble brick. Twenty percent of the façade of each block of units will have stone or brick accents.
4. The units shall be designed with similar elements to the renderings; no two adjacent buildings will have identical elevations on the façade.
5. A buffer will be installed along the perimeter of the property per the concept plan.
6. Six-foot-tall vinyl fences will be installed in the rear yards of units when requested by buyers for privacy. A decorative black aluminum fence with brick columns will be installed along South Crater Road and black aluminum fencing will be installed along the walking trails and around the stormwater management areas.

# Proffers cont.

---

7. Interior roads will be privately maintained and constructed to City and VDOT standards.
8. Utilities will be installed underground.
9. Mechanical equipment will be screened from public view at the ground level.
10. Residential light posts will be provided not exceeding 15' in height.
11. Signage will resemble the rendering provided.
12. There will be a homeowner's association and restrictive covenants stipulating maintenance of lots, units, streets, and common areas.
13. Trash pickup will not occur between 9:00 p.m. and 7:00 a.m. and dumpsters will be provided throughout the site.

# Proffers cont.

---

14. If any proffer is unenforceable or revised, the other proffers will remain unaffected.
15. The hours of construction will be limited to between 7:00 a.m. and 7:00 p.m. except in emergency. Sunday hours will be between 9:00 a.m. and 5:00 p.m.
16. Areas within the floodplain or resource protection area (RPA) may only be used for stormwater management, recreational amenities, access drives, and utility easements and will only be developed in accordance with state and local law.



# Public Input

---

- Four written comments received opposing the request
- Community meetings held November 13, 2025 with approximately 20 in attendance
- Additional community meeting scheduled for February 26, 2026
- Concerns raised include impacts on local traffic conditions, worsening of existing drainage and flooding issues, environmental impacts from removal of existing tree canopy, and incompatibility with adjoining low-density development

# Staff Concerns

---

- Site access: Allen Avenue currently sees less than 50 trips per day; proposed entrance brings majority of traffic through Myrick Acres; sight distance and street condition are concerns
- Environmental conditions: Much of the site is located within the Chesapeake Bay Preservation Area and there are wetlands throughout the property; both proposed entrances would require wetland crossing with intensive review and possible mitigation
- Exterior elevations and materials: Elevations provided are “illustrative,” but do not confirm quality materials and product
- Clarity in proffers: Confusing or conflicting language pertaining to unit counts and buffer maintenance
- Additional details on concept plan: Features like dumpsters, site lighting, and parking lot landscaping should be shown
- Ownership vs. rental: City Council has emphasized desire for home ownership, townhouses offer potential for ownership, but in some cases numerous units purchased for rent by one party

# Comprehensive Plan Considerations

---

- Community Mixed-Use on Future Land Use Map:
  - Centers of commerce and amenities which contribute to Petersburg's overall economy
  - Primary land uses include infill development, hospitality-oriented uses, multi-family dwellings, offices, personal services, and small commercial uses
- Strengths: Portion of existing tree canopy retained, townhouses are "great option for first-time homebuyers," and contribute to housing stock goals; amenities spread throughout site
- Weaknesses: Townhouses not listed as primary use in Community Mixed-Use area, higher-quality building materials encouraged, existing development becomes lower density further from South Crater Road

# Planning Commission Options

---

- Recommend approval of rezoning with proffered conditions
- Recommend approval of rezoning without one or more proffered conditions
- Recommend denial of the rezoning

Staff recommendation: Denial of rezoning based on access issues, environmental concerns, lack of clarity in proffers and plan

**A RESOLUTION RECOMMENDING APPROVAL OF AN ORDINANCE REZONING PROPERTY LOCATED AT 1681 AND 1683 SOUTH CRATER ROAD, 1910 WESTCHESTER DRIVE, AND 1055 KING AVENUE, PARCEL IDS 042110802, 042110002, 042110011, AND 042090014 FROM THE R-4, MULTIPLE DWELLING DISTRICT AND R-1, SINGLE-FAMILY RESIDENCE DISTRICT TO THE RTH, RESIDENTIAL TOWNHOUSE DISTRICT WITH PROFFERS**

WHEREAS, the City of Petersburg received a petition from Hank Winton, on behalf of Elizabeth Hale, James Powell, Robert Powell, John Powell, and Jenine Crowe, owners, to rezone the property located at 1681 and 1683 South Crater Road, 1910 Westchester Drive, and 1055 King Avenue from the R-4, Multiple Dwelling and R-1, Single-Family Residence District to the RTH, Residential Townhouse District for the purpose of constructing up to 120 townhouse units for individual sale; and

WHEREAS, a concept plan was provided showing the proposed layout of the property and illustrative renderings were provided to show examples of the units and amenities within the development; and

WHEREAS, the applicant proffered fourteen conditions for the City's consideration including minimum square footage for units, conformance with the concept plan, architectural style and design, perimeter buffers, fencing for individual units and along the public street frontage, private maintenance of interior roads, underground utilities, screening of mechanical equipment, lighting throughout the development, entrance signage, the creation of a homeowner's association, enforceability of proffers, construction hours, and conserved areas; and

WHEREAS, the subject property is within a Community Mixed-Use area on the PetersburgNEXT Comprehensive Plan which does not include townhouses as a primary use, but the development includes several amenities supported by the plan and the proposed units would increase the housing stock in the city; and

WHEREAS, pursuant to the requirements of Titles 15.2-2204 and 15.2-2285 of the Code of Virginia, as amended, a public hearing was advertised and held, in accordance with applicable laws.

**NOW THEREFORE BE IT RESOLVED** that Planning Commission does hereby recommend approval of an ordinance rezoning the property located at 1681 and 1683 South Crater Road, 1910 Westchester Drive, and 1055 King Avenue from the R-4, Multiple Dwelling and R-1, Single-Family Residence District to the RTH, Residential Townhouse District with the proffers as presented in Exhibit A.



# City of Petersburg

## Department of Planning and Community Development

### PROCEDURES FOR PETITION FOR REZONINGS

1. Applicant files petition with the Petersburg Department of Planning and Community Development, City Hall, 135 N Union Street, Petersburg, Virginia 23803.
2. **The Filing fee for Petitions for Rezoning is \$1,500.** A Check or Money Order *made payable to the City of Petersburg* is to accompany the application.
3. A Plat of the property must also accompany the petition.
4. The Department of Planning and Community Development Staff will refer the petition to the Planning Commission to hold a public hearing and consideration the petition. Department of Planning and Community Development staff shall advertise the public hearing twice during a fourteen-day period, and the Planning Commission will hold a public hearing, and make a recommendation to the City Council regarding the petition.
5. The City Council schedules then advertises a public hearing regarding the petition.
6. The City Council holds a public hearing then considers the petition with the Planning Commission recommendation and renders a final decision to approve or disapprove the petition.

*PLEASE NOTE: The rezoning process may take up to three months.*

**PETITION FOR REZONING**

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

CASE NUMBER: \_\_\_\_\_  
APPLICANT: WILTON ACQUISITION LLC  
ADDRESS: 1904 BYRD AVE STE 308  
RICHMOND, VA 23230

I, HENRY L WILTON hereby petition to rezone the following described properties  
from zoning district R-1 AND R-4 to zoning district RTH

**A. DESCRIPTION OF PROPOSED USE: (INCLUDE ANY PROFFERED CONDITIONS)**

TOWNHOUSES FOR SALE

**B. PROPERTY INFORMATION**

1. Tax Parcel Identification Number(s):

042110011, 042090014, 04211002 AND 042110802

2. Current Street Address(es) if assigned:

1683 CRATER RD., 1055 KING AVE., 1910 CHESTER AVE., 1681 CRATER RD.

3. Approximate Area:

sq. ft.

26,072

acres

4. Public Street Frontage:

351

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).

The family that owns the subject property have been waiting decades as to when they thought the time was right for development. They farmed the area, built homes for family members and now they want the right to develop.

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).

As you can see from the attached plans we have isolated this Townhouse Community from the adjacent Apartments and Single Family neighborhoods with a 50' natural wooded Buffer. We have only 1 connection for emergency vehicles.

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).

Townhouses gives the people another type of housing to consider. The price point allows for increased home ownership. Townhouses are very popular w/ 1st Time Buyer's and City and County employees.

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).

The majority of the area is developed with Single Family Homes, Tax credit and market rate Apartments and for the most part Townhouses for sale at market rates have not been offered even though this added choice <sup>3</sup> helps increase Home Ownership.

**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:

*Henry C. White*

Mailing Address:

*1904 Byrd Ave Suite 308  
Richmond, Va. 23230*

Phone Number:

Email Address:

APPROVED

City Attorney

TO BE FILED IN THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

**ACTION RECORD**

Date Filed (with Planning Department):

---

Date of Planning Commission Public Hearing:

---

Planning Commission Action(s):

---

Date of City Council Hearing:

---

City Council Action(s):

---

**THE TOWNES ON POOR CREEK  
PETERSBURG PROFFERS**

November 19, 2025

1. **Maximum Number and Size of Units:** The number of for sale market rate townhouse dwellings to be constructed onsite shall not exceed one hundred (100) units. The minimum square footage of finished floor area shall be no less than 1,220 sq. ft.
2. **Conceptual Plan:** Development of the Property shall be in substantial conformance with the attached conceptual site plan, Exhibit "A", unless otherwise approved by Administrative process. There will be no more than seven (7) units in a row in the entire development.
3. **Exterior Materials:** These units are to be built in a Craftsman Style Architecture per the attached renderings for illustrative purposes only which incorporates different exterior materials in various amounts. The visible portions of exterior building foundations shall be constructed of brick, stone, or the use of forms to resemble same. The front stoop and steps of each dwelling unit shall be constructed of brick, stone, wood with closed risers, or the use of concrete forms to resemble brick. Each Townhouse building (groups of 3, 4, 5, or 6 units) shall have stone or brick accents on the front façade of at least 20% in total.
4. **Exterior Elevations:** The dwelling units on the Property shall have an exterior architectural style and use design elements similar to the concept drawings attached as Exhibit 'B', which such renderings are conceptual in nature and are provided only as an illustration of the quality of the design and architectural style of such buildings. To minimize visual repetition of buildings, no two adjacent buildings shall have the same identical individual elevation sequence pattern across the front of the building.
5. **Buffers:** There shall be a buffer along the property as it abuts single family per the attached layout subject to the removal of fallen, diseased or dead plant/tree growth. Buffer may be breached to the extent necessary for grading, drainage & utilities as approved by the Departments of Public Utilities and Public Works. HOA to manage this process of maintenance and clean up of buffered areas.
6. **Fences:** If requested vinyl 6' high fencing shall be used in the rear yard area when requested by the proposed Buyer and used for privacy. Fencing along S. Crater Road shall contain a decorative black aluminum fence with brick columns fifty feet (50') on center with a wrought iron appearance and to be landscaped per Exhibit 'C'. Wooden

stockade style fences shall be prohibited. Black aluminum fencing to be installed around the BMP's which have walking trails installed around same.

7. Roads: All roads to be constructed in the development shall be privately maintained but shall be constructed in accordance with the City of Petersburg's Public Road/VDOT Standards and specifications with respect to pavement design and road width. Prior to the issuance of any certificates of occupancy, the applicant's engineer shall certify that the private roads serving the development have been constructed in compliance with the applicable City of Petersburg Road/VDOT Standards as to width. This can be done in phases.
8. Underground Utilities: Except for junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground when available.
9. Mechanical Equipment: Mechanical equipment shall be screened from public view at ground level at the Property lines in a manner approved by the HOA.
10. Lighting: All lighting for the townhouses and additional parking areas will be by residential light posts. Parking lot light poles shall not exceed 15' in height and shall be positioned in such a manner as to minimize the impact of such lighting offsite and onsite.
11. Signage: Any detached signs on the Property shall be ground mounted, monolithic type signs. The entrance sign and landscaping shall be constructed substantially similar to Exhibit "E" and shall include brick veneer, stone, synthetic stone or similar masonry material with wrought iron accents. Such signs shall not exceed six (6) feet in height as measured from the grade of the base of the sign and shall be externally lit employing ground-mounted floodlight or spotlight-type fixtures directed toward such signs and away from public rights-of-way. Signs to be located on S. Crater Road with a small sign on the Allen Road access point.
12. Restrictive Covenants/Homeowners Association: Prior to or concurrent with the conveyance of any part of the property covered on the POD approved by the City, restrictive covenants describing development controls and maintenance of the property shall be recorded in the Clerk's Office of the Circuit Court of the City of Petersburg. In addition, there shall be a Homeowners Association of the owners of the units on the property that shall be responsible for the enforcement of the restrictive covenants, including maintenance of the lots, common areas, roads and unit exteriors. Parking of recreational vehicles, boats and campers shall be

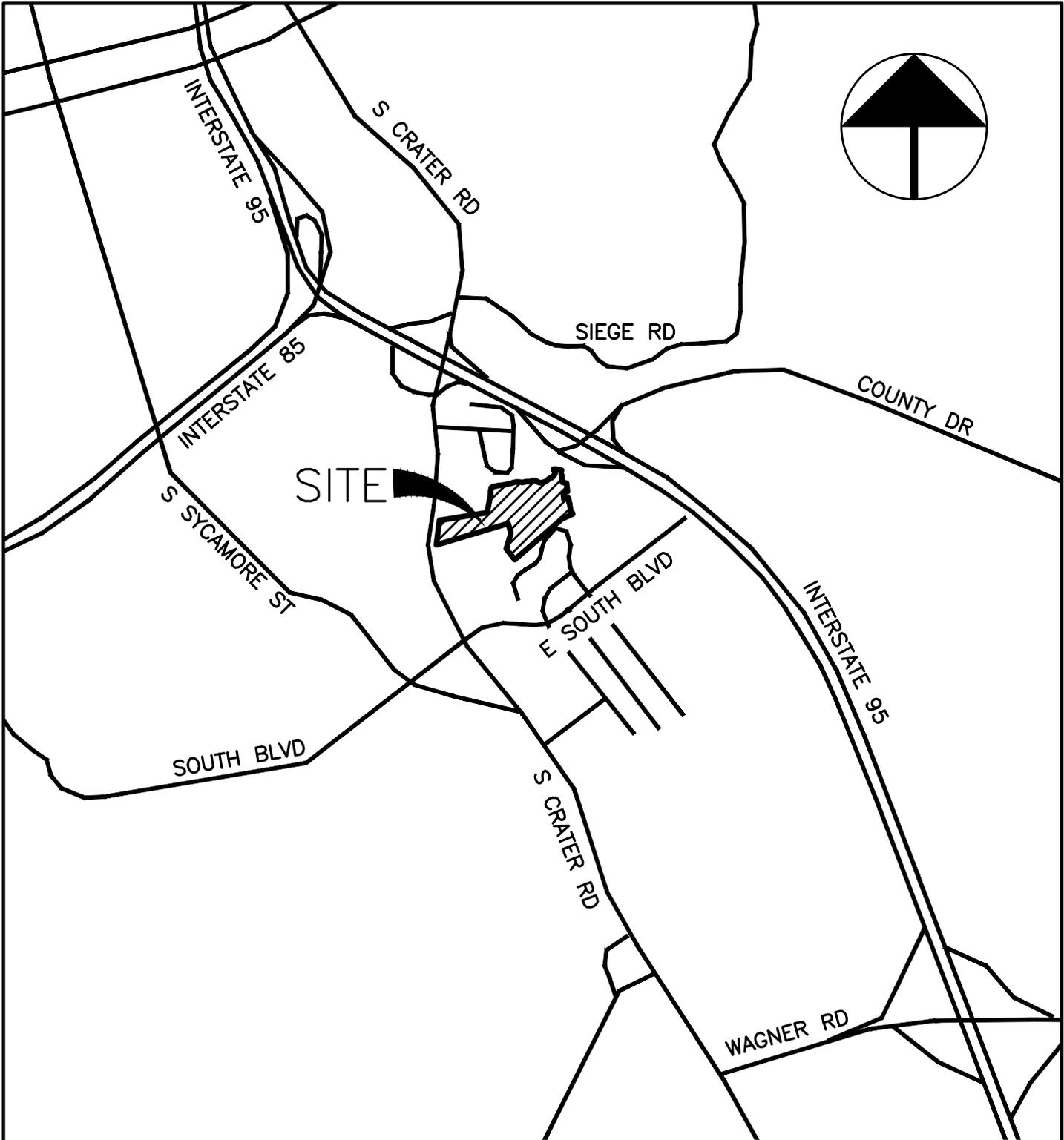
prohibited in the development. A copy of a standard HOA Agreement is herein attached as Exhibit 'D' to illustrate the scope of the HOA's powers.

13. Trash Pickup and Street Cleaning: There shall be no trash pick up or street cleaning between the hours of 9:00 p.m. and 7:00 a.m. any day of the week. There shall be no street cleaning or trash pick-up on Sundays. Dumpster locations shall be located throughout the facility for trash collection. Dumpster to be gated for screening.
14. Severance: The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.
15. Construction Hours: The hours of exterior construction activities including operation of bulldozers and other earthmoving equipment shall be between 7:00 a.m. and 7:00 p.m. Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours and utility connections. Hours shall be posted in both English and Spanish during construction of community.
16. Constructive Areas: Notwithstanding the uses permitted and regulated by the zoning of the property, such portion(s) of the Property which lie within a one hundred (100) year flood plain or the RPA as determined by definitive engineering studies approved by the Department of Public Works, and such portion(s) of the Property which may be inundated by waters impounded to a maximum elevation determined in a controlled, regulated manner by a structure or structures approved by the Department of Public Works, may only be used for the following purposes:
  - a. Stormwater management and retention areas;
  - b. Ponds, lakes and similar areas intended to aesthetic or recreational amenities or wildlife habitats;
  - c. Access drives, utility easements, signage, walkways and recreational facilities installed in a manner to minimize their impacts; and
  - d. Such additional uses to be uses identified in (a), (b), and (c) above as may be deemed compatible and of the same general character by the Director of the Planning Department.
  - e. Property to be developed in accordance with State and Local Laws.

CONTRACT PURCHASER:

WILTON ACQUISITION, LLC

By: Henry L. Wilton 2/25/26  
Henry L. Wilton Date  
Managing Member



VICINITY MAP OF  
 04211002, 04211011,  
 042110802  
 CITY OF PETERSBURG, VIRGINIA  
 SCALE: 1"=2000'  
 DATE: AUGUST 20, 2025

		<b>THE BAY COMPANIES</b>
		
CIVIL ENGINEERS		
8500 BELL CREEK ROAD MECHANICSVILLE, VA 23116		
SHEET 1 OF 1	PH:(804)569-7060	FILED:25013_zoning exhibit.dwg

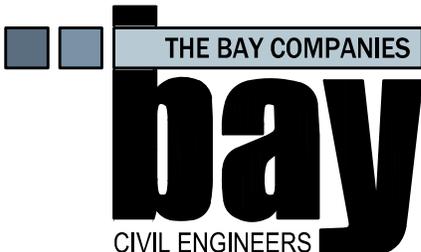
PARCEL "A"

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, LYING AND BEING IN THE CITY OF PETERSBURG, VIRGINIA, SITUATED ALONG THE EASTERN RIGHT-OF-WAY LINE OF SOUTH CRATER ROAD AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT (P.O.B) ON THE NORTHEASTERN INTERSECTION OF SOUTH CRATER ROAD AND CLAREMONT STREET;

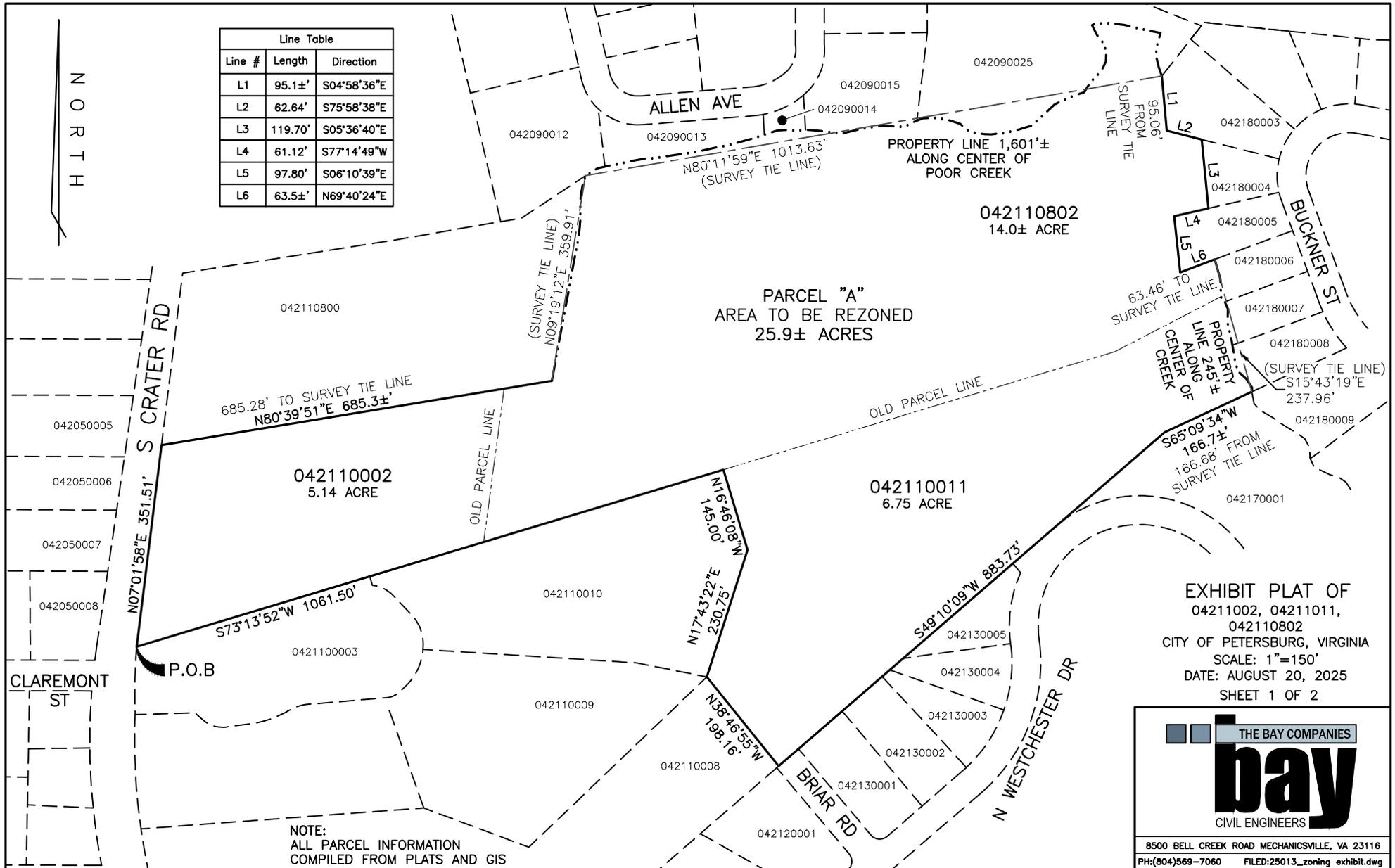
THENCE N07°01'58"E 351.51';  
THENCE N80°39'51"E 685.3±', 685.28' TO SURVEY TIE LINE;  
THENCE 1,601± ALONG CENTER OF POOR CREEK,  
N09°19'12"E 359.91' SURVEY TIE LINE,  
N80°11'59"E 1013.63' SURVEY TIE LINE;  
THENCE S04°58'36"E 95.1±', 95.06' FROM SURVEY TIE LINE;  
THENCE S75°58'38"E 62.64';  
THENCE S05°36'40"E 119.70';  
THENCE S77°14'49"W 61.12';  
THENCE S06°10'39"E 97.80';  
THENCE N69°40'24"E 63.5±', 63.46' TO SURVEY TIE LINE;  
THENCE 245± ALONG CENTER OF CREEK,  
S15°43'19"E 237.96' SURVEY TIE LINE,  
THENCE S65°09'34"W 166.7±', 166.68' FROM SURVEY TIE LINE;  
THENCE S49°10'09"W 883.73';  
THENCE N38°46'55"W 198.16';  
THENCE N17°43'22"E 230.75';  
THENCE N16°46'08"W 145.00';  
THENCE S73°13'52"W 1061.50' TO THE POINT AND PLACE OF BEGINNING  
CONTAINING 25.9± ACRES OF LAND.

EXHIBIT PLAT OF  
04211002, 04211011,  
042110802  
CITY OF PETERSBURG, VIRGINIA  
DATE: AUGUST 20, 2025  
SHEET 2 OF 2



THE BAY COMPANIES  
**bay**  
CIVIL ENGINEERS

8500 BELL CREEK ROAD MECHANICSVILLE, VA 23116  
PH:(804)569-7060 FILED:25013\_zoning exhibit.dwg



Line Table		
Line #	Length	Direction
L1	95.1±'	S04°58'36"E
L2	62.64'	S75°58'38"E
L3	119.70'	S05°36'40"E
L4	61.12'	S77°14'49"W
L5	97.80'	S06°10'39"E
L6	63.5±'	N69°40'24"E

**PARCEL "A"**  
**AREA TO BE REZONED**  
**25.9± ACRES**

EXHIBIT PLAT OF  
 04211002, 04211011,  
 042110802  
 CITY OF PETERSBURG, VIRGINIA  
 SCALE: 1"=150'  
 DATE: AUGUST 20, 2025  
 SHEET 1 OF 2

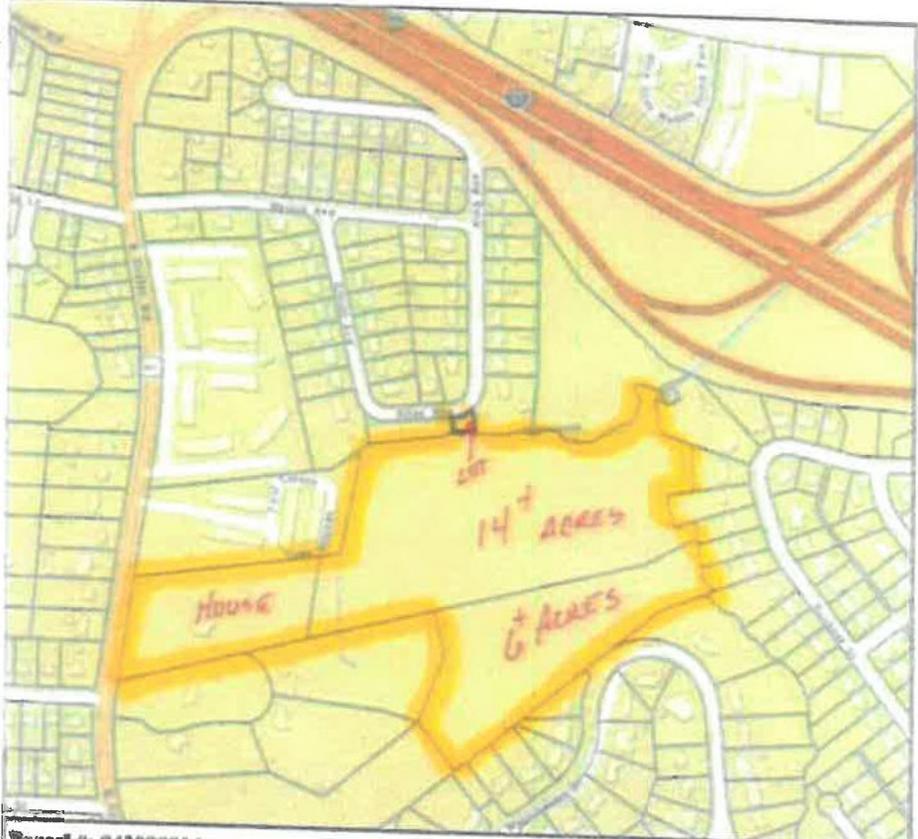


8500 BELL CREEK ROAD MECHANICSVILLE, VA 23116  
 PH:(804)569-7060 FILED:25013\_zoning\_exhibit.dwg

NOTE:  
 ALL PARCEL INFORMATION  
 COMPILED FROM PLATS AND GIS

# Petersburg, Virginia

- Legend**  
City Boundary  
Forests

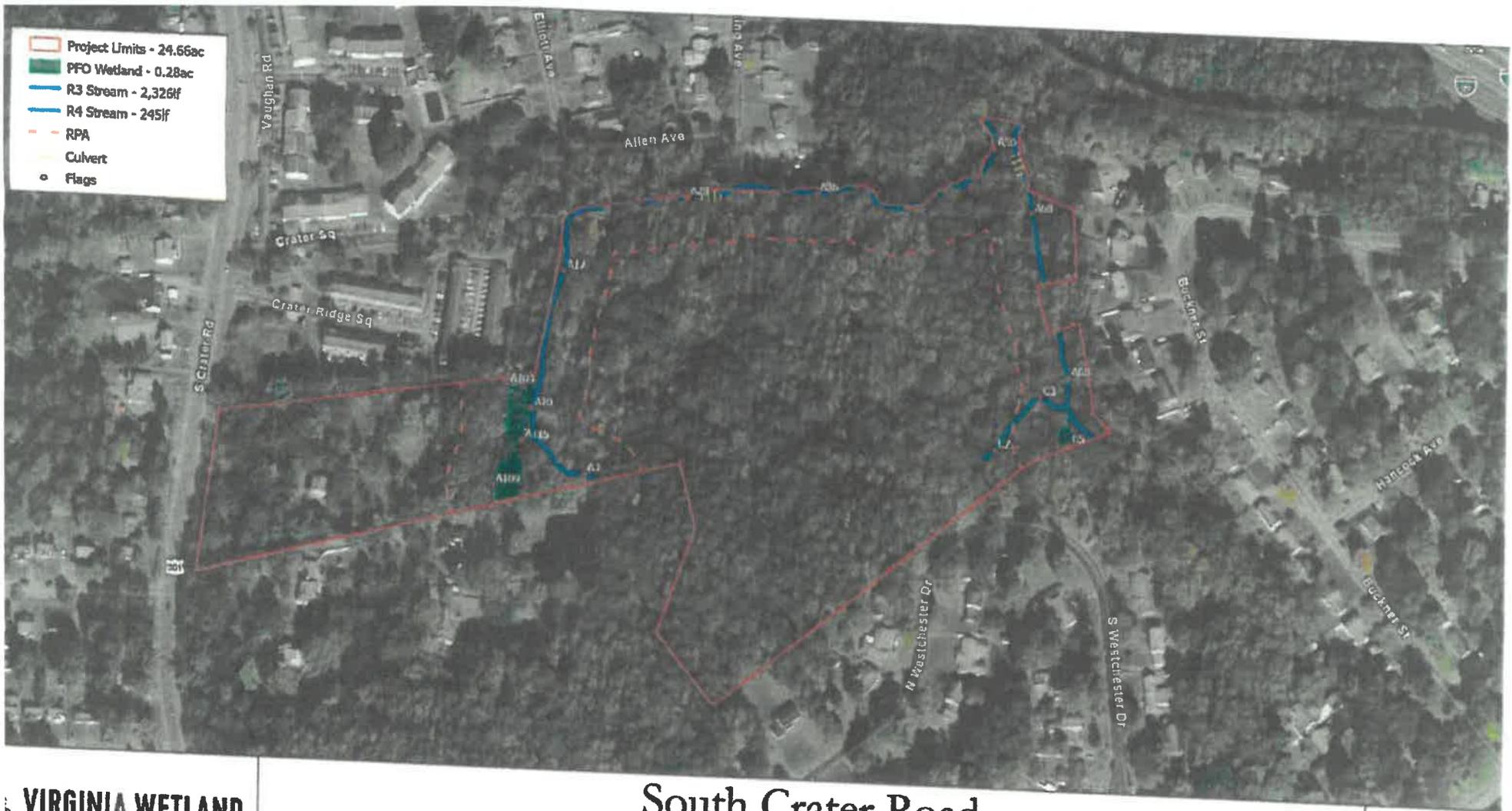


Scale  
0 100 200 Feet

Parcel #: 042090014

Date: 12/18/2024

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. It is provided as a convenience of general information, and does not constitute any warranty, and I am not responsible for its accuracy or for any use of it.



**VIRGINIA WETLAND  
CONSULTING**  
1 Whiteside Road  
Petersburg, VA 23150  
932-3135  
www.vawetlandconsulting.com

Center: 77°22'50"W 37°12'38"N

## South Crater Road Aquatic Resources Map

Petersburg, VA  
Date: 05/28/25  
Drawn by DLT



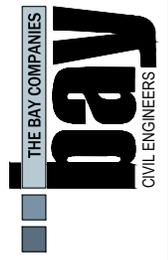


114 UNITS

www.thebaycompanies.com

THIS DRAWING IS THE PROPERTY OF THE BAY COMPANIES INC. AND IS NOT TO BE REPRODUCED OR USED FOR ANY PROJECT IN WHOLE OR IN PART WITHOUT EXPRESS WRITTEN PERMISSION.

FILED: 25013\_Concept\_Plans  
 DATE: August 20, 2025  
 REVISED: November 7, 2025  
 REVISED: November 19, 2025  
 REVISED:



8500 BELL CREEK ROAD  
 MECHANICSVILLE, VA 23116  
 (804) 569-7060  
 FAX: (804) 569-7061

PROJECT:  
**Townes at Poor Creek**  
 Residential Townhouses  
 City of Petersburg, Virginia

SHEET:  
 Color  
 Concept  
 Plan

SHEET NO:  
**C1**  
 JOB NO. 25013

**SITE STATISTICS**

OWNER(S):  
 ELIZABETH H HALE  
 R M HARRISON JR  
 7271 SPOTSWOOD TRAIL  
 STANDARDSVILLE, VA 22973

JOHNS LADD POWELL ET ALS  
 DR ROBERT POWELL EXECUTOR  
 109 TUTTLES NECK RD  
 WILLIAMSBURG, VA 23185

CONTRACT PURCHASER/DEVELOPER:  
 WILTON ACQUISITION LLC  
 C/O HANK WILTON  
 1904 BIRD AVE, SUITE 308  
 RICHMOND, VA 23230  
 (804) 288-2191  
 EMAIL: HWILTON@WILTONACQ.COM

ENGINEER:  
 THE BAY COMPANIES, INC.  
 C/O DAN CASKIE, P.E.  
 8500 BELL CREEK ROAD  
 MECHANICSVILLE, VA 23116  
 PH: 804.569.7060  
 EMAIL: dan.caskie@thebaycompanies.com

ADDRESSES:  
 1691 S CRATER ROAD  
 1693 S CRATER ROAD  
 1910 N WESTONISTERS DRIVE  
 PETERSBURG, VA 23805

EXISTING ZONING:  
 R-1, R-4

PROPOSED ZONING:  
 RTH

SITE AREA:  
 TOTAL GROSS AREA = 25.9+ ACRES (1,128,204 SF)  
 TOTAL AREA W/IN RTH = 0.0 ACRES  
 TOTAL AREA WITHIN RPA = 7.34 ACRES  
 TOTAL AREA WITHIN LOTS = 8.10 ACRES  
 TOTAL COMMON AREA PROVIDED = 6.41 ACRES

PARKING:  
 PARKING REQUIRED (2\*101) = 202 SPACES  
 PARKING PROVIDED = 238 SPACES

BUILDING SETBACKS:  
 FRONT = 15'  
 SIDE = 15'  
 SIDE (CORNER) = 25'  
 REAR = 30'

USE:  
 RESIDENTIAL

PARCEL NUMBERS(s):  
 04211002,  
 04211011,  
 042110602

NUMBER OF LOTS:  
 101 TOWNHOUSE LOTS  
 1 EXISTING HOUSE LOT

SOURCE OF WATER:  
 PUBLIC

METHOD OF SEWAGE DISPOSAL:  
 PUBLIC

ROADS:  
 PRIVATE

PUBLIC STREET FRONTAGE:  
 351'

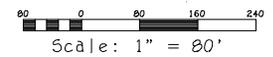
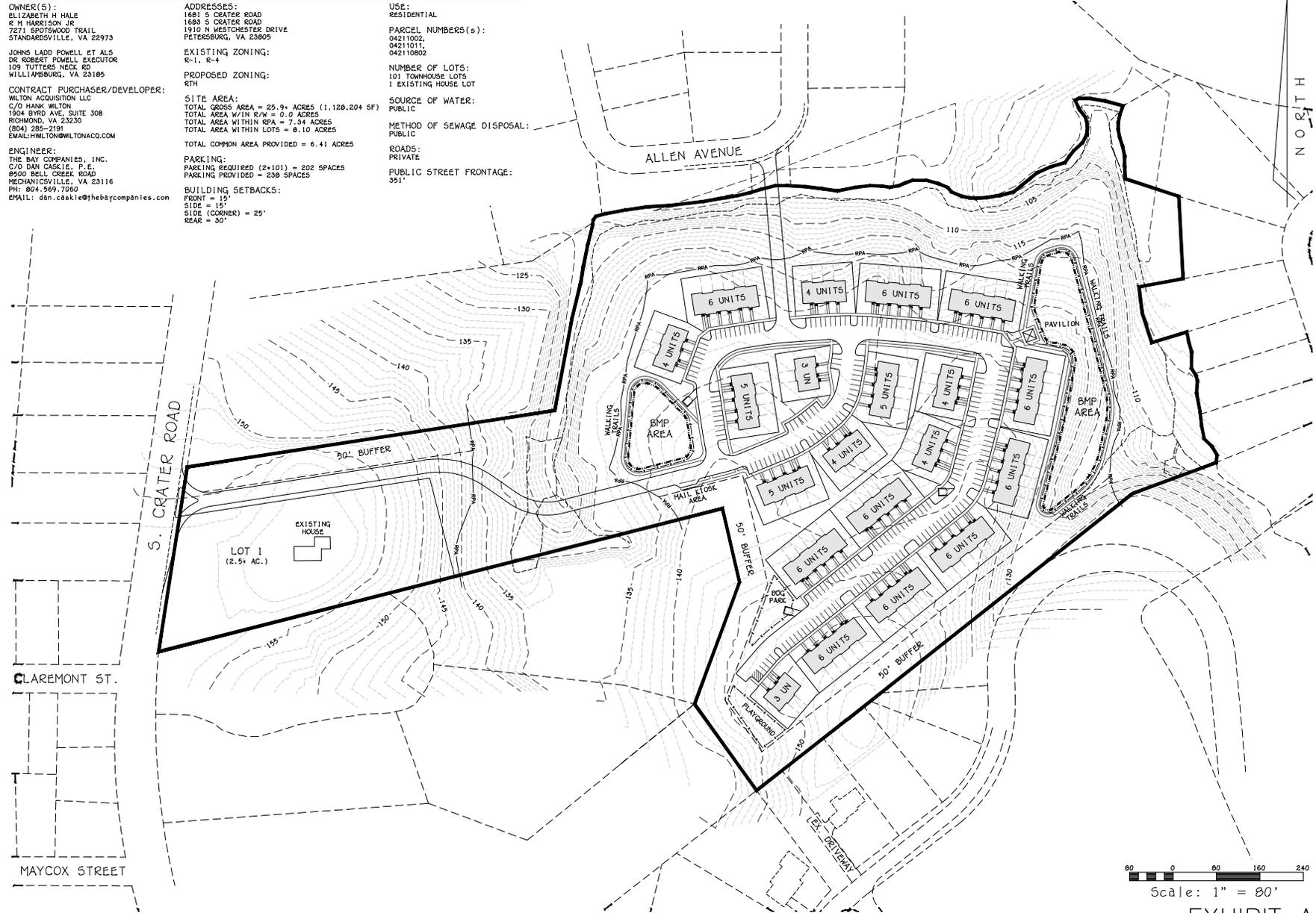
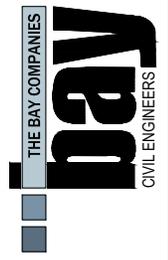


EXHIBIT A

THIS DRAWING IS THE PROPERTY OF THE BAY COMPANIES, INC. AND IS NOT TO BE REPRODUCED OR USED FOR ANY PROJECT IN WHOLE OR IN PART WITHOUT EXPRESS WRITTEN PERMISSION.

FILED: 25013\_Concept\_Plans  
 DATE: August 20, 2025  
 REVISED: November 7, 2025  
 REVISED: November 19, 2025  
 REVISED:



8500 BELL CREEK ROAD  
 MECHANICSVILLE, VA 23116  
 (804) 569-7060  
 FAX: (804) 569-7061

PROJECT:  
**Townes at Poor Creek**  
 Residential Townhouses  
 City of Petersburg, Virginia

SHEET:  
 Concept Plan

SHEET NO:  
**C1**  
 JOB NO. 25013

# EXHIBIT B'



**ILLUSTRATIVE PURPOSES ONLY**

**The Edenton**

2 Bed / 2.5 Bath

Eastwood Homes continuously strives to improve our product, therefore, we reserve the right to change or discontinue architectural details and designs and interior colors and finishes without notice. Our brochures and images are for illustration only, are not drawn to scale, and may include optional features that vary by community. Room dimensions are approximate. Please see contract for additional details.  
8120 Edenton 11/2023



**sfaris@wiltonacq.com**

*EXHIBIT B*

**From:** Martin, Ryan <ryamarti@RyanHomes.com>  
**Sent:** Wednesday, November 12, 2025 2:54 PM  
**To:** sfaris@wiltonacq.com; Slade, Michael  
**Subject:** RE: Ryan Homes 20' SFA

Hi Steve,

Here's a few front elevation strips using various stone heights. One idea could be to word your proffer so the entire strip of townhomes needs to meet the 25% requirement versus each individual townhome. Allows for a more varied look.

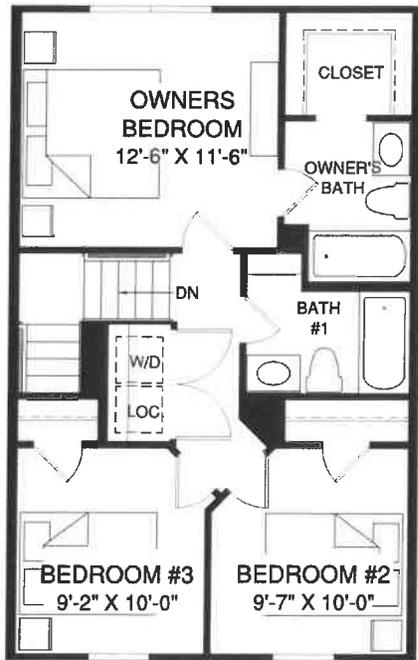
Do you have a conceptual plan and address you could send, so we could better understand your project?

Thank you,

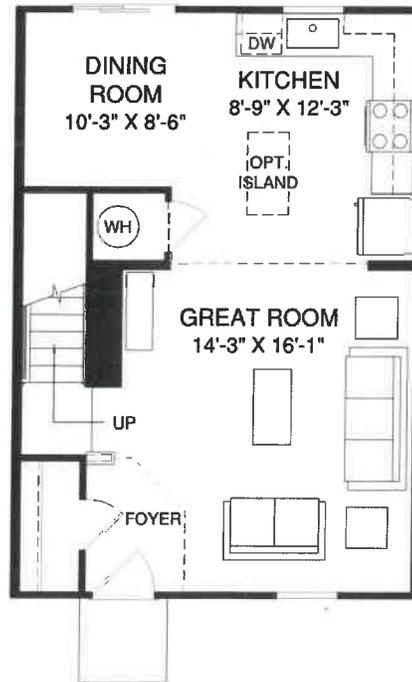


*ILLUSTRATIVE PURPOSES ONLY*

**JUNIPER**



UPPER LEVEL



MAIN LEVEL

OPT. POWDER RM.

PLEASE UNITS WOULD HAVE TO BE CHANGED TO REFLECT THE 30% FRONT FACADE DISPLAYING STONE / BRICK LIKE ACCENTS PER THE PROFFERS PER ROW OF BUILDINGS.

# Exhibit 'C'



**POOR CREEK**  
 6.5 miles E of Wistar Road

Date: 3/26/2014

Scale: N.T.S.

Wistar Woods - 25' Landscape Buffer on Wistar Road

Quantity	Plant Name	Size	Wh. Cost	Markup
12	Nellie Stevens Holly	6'-7'		
5	Green Giant Arborvitae	6'-7'		
3	Muskogee Crapemyrtle	6'-7'		
12	Dwarf Fountain Grass	18"-24"		
20	Red Knockout Rose	18"-24"		
28	Goldmound Spirea	18"-21"		

Prepared by:  
Glenn R. Moore – VSB #14437  
5600 Grove Avenue  
Richmond, VA 23226

GPIN: 785-757-8737, -9998, -5477, -5749, and -6118

**DECLARATION  
OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR  
THE GLENS AT SCOTT PLACE**

THIS DECLARATION is made as of the 25<sup>th</sup> day of April, 2019, by SCOTT PLACE DEVELOPERS, LLC, a Virginia limited liability company (the "Declarant") and BB&T-VA COLLATERAL SERVICE CORPORATION, TRUSTEE under a Deed of Trust recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia (the "Clerk's Office") in Deed Book 5700, page 1752.

WITNESSETH:

WHEREAS, Declarant owns certain real property in Henrico County, Virginia (the "Property"), which is described on Exhibit "A" hereto;

NOW, THEREFORE, Declarant hereby declares that all of the Property shall be held, sold and conveyed subject to the following easements, restrictions, covenants and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with, the Property and be binding on all parties having any right, title or interest therein or in any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each Owner thereof.

ARTICLE I  
DEFINITIONS

Section 1. "Additional Land" shall mean and refer to the real property in the vicinity of the Property which may, by recordation of a Declaration of Annexation as provided in Article XI, be annexed and become governed by this Declaration. The Additional Land is described on Exhibit "C" to this Declaration.

Section 2. "Association" shall mean and refer to The Glens at Scott Place Townhouse Association, Inc., a Virginia nonstock corporation, its successors and assigns.

Section 3. "Builder" shall mean and refer to any Person who is duly licensed as a contractor and who purchases one (1) or more Lots for the purpose of constructing improvements for later sale to consumers in the ordinary course of such Person's business. Any Person occupying or leasing a Lot for residential purposes shall cease to be considered a Builder with respect to such Lot immediately upon occupancy of the Lot for residential purposes, notwithstanding that such Person originally purchased the Lot for the purpose of constructing improvements for later sale to consumers.

**Section 4.** "Common Area" shall mean and refer to all real property owned by the Association for the common use and enjoyment of the Owners and shall include, without limitation, any improvements now or hereafter located on or within the Common Area and required by local, state or federal laws or regulations. The platted Common Area shall be conveyed by the Declarant to the Association before or concurrently with the conveyance of the first Lot to an Owner other than the Declarant. The Declarant may convey certain lake and wetlands areas owned or acquired by the Declarant in the vicinity of the Property to the Association for use as Common Area at any time or from time to time while this Declaration is in effect, but shall not be required to convey any particular property. The Association cannot decline acceptance of the conveyance of any Common Area, including, without limitation, the lakes and wetlands, if any, from the Declarant, but shall be deemed to have automatically and irrevocably accepted the Common Area conveyed to it simultaneously with the recordation of a deed of conveyance from the Declarant to the Association conveying property described as or to be held as Common Area. The Association shall not be responsible to maintain any Common Area until the same is conveyed to the Association. The initial Common Area is described on Exhibit "B" hereto. The Declaration of Annexation affecting the annexation of any portion of the Additional Land may amend Exhibit "B" to incorporate additional Common Area; provided, however, that the omission of the additional Common Area from Exhibit "B" shall not affect its designation as Common Area.

**Section 5.** "Declarant" shall mean and refer to Wilton Acquisition, LLC, a Virginia limited liability company, and its successors and assigns, provided that (a) such successors or assigns acquire more than one Unimproved Lot from the Declarant for the purpose of constructing improvements thereon, and (b) the Declarant assigns to such successors or assigns the Declarant's rights hereunder as to the Lots.

**Section 6.** "Declarant's Utility Rights" shall mean and refer to the exclusive and alienable rights, powers, easements and privileges hereby reserved by the Declarant to go on, over, under and upon every portion of the Common Area to erect, lay, construct, install, maintain, repair and use electric, telephone and television wires, cables and conduits, drainage ways, sewers, water lines and water mains and such other utilities and utility systems as the Declarant finds necessary or advisable in connection with the development of the Property or any portion of the Additional Land. These rights include the right to cut bushes and trees, grade soil and such other actions reasonably necessary to economically and safely install, repair and use such utility systems. The Declarant's Utility Rights shall also include the exclusive and alienable right to sell, grant, convey and/or dedicate any utility system (and adjoining area) within the Common Area to the County of Henrico or one or more public utility companies. The Declarant's Utility Rights shall continue in effect until such time as the Declarant, including any successor Declarant, has conveyed or relinquished all of the Declarant's right, title and interest in and to any portion of the Property and the Additional Land.

**Section 7.** The "Governing Documents" shall mean and refer to, collectively, this Declaration of Covenants, Conditions and Restrictions, the By-Laws, and the Articles of Incorporation for The Glens at Scott Place Townhouse Association, Inc., the rules and regulations of the Association as adopted by the Board and as amended from time to time, and the Standards (as defined in Article V, Section 1).

**Section 8.** An "Improved Lot" shall mean and refer to any Lot which has all of the following characteristics:

- (a) residential dwelling unit ("residence") approved by the Architectural Committee (as defined in Article V) has been constructed thereon;
- (b) either a permanent or temporary certificate of occupancy has been issued for the residence constructed thereon or one (1) year has passed from the date of issuance of a building permit for such residence; and
- (c) the Lot has been conveyed to an Owner other than Declarant.

**Section 9.** "Lot" shall mean and refer to any plot of land shown upon the recorded subdivision plat of the Property with the exception of the Common Area.

**Section 10.** "Owner" shall mean and refer to the record owner, whether one or more Persons, of a fee simple title to any Lot which is a part of the Property, including Declarant and Builders, but excluding those having such interest merely as security for the performance of an obligation.

**Section 11.** "Person" shall mean and refer to a natural person, a corporation, a partnership, a limited liability company, a fiduciary acting on behalf of another person, or any other legal entity.

**Section 12.** "Property" shall mean and refer to that certain real property described on Exhibit "A" hereto, and such additions thereto as may hereafter be submitted to this Declaration.

**Section 13.** "Unimproved Lot" shall mean and refer to any Lot that is not an Improved Lot.

## ARTICLE II PROPERTY RIGHTS

**Section 1.** **Owners' Easements of Enjoyment.** Every Owner shall have a right and easement of enjoyment in and to the Common Area which shall be appurtenant to and shall pass with the title to every Lot, subject to the following provisions:

- (a) The right of the Association to charge reasonable admission and other fees for the use of any recreational facility from time to time situated upon the Common Area;
- (b) The right of the Association to suspend the voting rights and right to use of the Common Area by an Owner for any period during which any assessment against his Lot remains unpaid, and for a period not to exceed 60 days for any infraction of the Association's published rules and regulations, provided that access to the Owner's Lot over Common Area is not disturbed or interfered with;
- (c) The right of the Association to dedicate or transfer all or any part of the Common Area, subject to the Declarant's Utility Rights, to any public agency, authority, or

utility for such purposes and subject to such conditions as may be agreed to by the Owners. No such dedication or transfer shall be effective and no mortgaging of the Common Area to secure a debt shall be effective, unless an instrument signed by two-thirds (2/3) of the members of each class of membership agreeing to such dedication, transfer or mortgaging has been recorded. If ingress or egress to any Lot is through the Common Area, any mortgage or conveyance of that portion of the Common Area shall be made subject to the Owner's easement.

(d) The rights reserved to Declarant in Article VII, Section 1 (Reservation by Declarant) of this Declaration.

**Section 2. Delegation of Use.** Any Owner may delegate, in accordance with the Association's By-Laws, his right of enjoyment to the Common Area and facilities thereon to the members of his family, his tenants, or contract purchasers who reside on the Lot. If an Owner leases a Lot to a Person, the Owner's right of enjoyment of the Common Area and facilities thereon shall automatically transfer to the Person leasing the Lot, unless the Owner provides written notice to the Association stating that the Owner will maintain the sole right of enjoyment of the Common Area and facilities thereon. Either the Owner or the Person to whom the Owner is leasing the Lot, but not both, may enjoy the right of enjoyment of the Common Area and facilities thereon, provided, however, the transfer of the right of enjoyment to the tenant shall not disturb or interfere with the Owner's access to the Lot over the Common Area.

### ARTICLE III MEMBERSHIP AND VOTING RIGHTS

**Section 1.** Every Owner of a Lot which is subject to assessment shall be a member of the Association. Membership shall be appurtenant to and may not be separated from ownership of any Lot which is subject to assessment.

**Section 2.** The Association shall have two classes of voting membership:

**Class A.** Class A members shall be all Owners with the exception of the Declarant. Class A members shall be entitled to one vote for each Lot owned. When more than one Person holds an interest in any Lot, all such Persons shall be members. The vote for such Lot shall be exercised as they among themselves determine, but no more than one vote shall be cast with respect to any Lot.

**Class B.** The Class B member shall be the Declarant which shall be entitled to three (3) votes for each Lot owned. The Class B membership shall terminate and become a Class A membership on the first to occur of the following: (a) when seventy-five percent (75%) of the total anticipated number of Lots that may be developed on the Property and the Additional Land, as described in Exhibits A and C, have certificates of occupancy issued thereon and have been conveyed to Persons other than Builders; (b) on January 1, 2040, or (c) when the Class B member, in its discretion, determines and voluntarily relinquishes such right in a written instrument executed by Declarant and recorded in the Clerk's Office at the Circuit Court of Henrico County, Virginia. The timeframe during which the Class B membership is in existence is sometimes referred to as the "Declarant Control Period."

**Section 3.** If, as and when any portion of the Additional Land is annexed under this Declaration, the Declarant shall enjoy Class B membership as to any Lots which are added to the Property by such annexation.

**Section 4.** The affairs of the Association shall be managed by its Board of Directors which shall elect the officers of the Association.

**ARTICLE IV**  
**COVENANT FOR MAINTENANCE ASSESSMENTS**

**Section 1. Creation of the Lien and Personal Obligation of Assessments.** The Declarant, for each Lot owned within the Property, hereby covenants, and each Owner of any Lot by acceptance of a deed therefor, whether it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association: (1) annual assessments or charges, and (2) special assessments for capital improvements and otherwise, such assessments to be established and collected as hereinafter provided. Notwithstanding the foregoing to the contrary, the inclusion of Lots on a recorded subdivision plat shall not subject a Lot to assessment under this Article IV until such time as that Lot is conveyed to a Person other than Declarant or a Builder. With respect to any Lot owned by a Builder, assessments shall commence on the actual occupancy of the Lot for residential purposes. The annual and special assessments, together with interest, costs, and reasonable attorney's fees, shall be a charge on the land and shall be a continuing pro-rata lien upon the Lot against which each such assessment is made. Each such assessment, together with interest, costs, and reasonable attorney's fees, shall also be the personal obligation of the Person who was the Owner of such property at the time when the assessment fell due. The personal obligation for delinquent assessments shall not pass to the Owner's successors in title unless expressly assumed by them.

**Section 2. Purpose of Assessments and Exterior Maintenance.**

(a) The assessments levied by the Association shall be used exclusively to promote the recreation, health, safety, and welfare of the residents of the Property, for the improvement and maintenance of the Common Area and of the improvements situated thereon, and such other services and areas of Association responsibility as defined by the Governing Documents. The Association shall, at a minimum, maintain, repair and replace the Common Areas and each component thereof in a good and workmanlike manner consistent with sound property management practices in accordance with all applicable local, state and federal laws and regulations. In addition, the Association shall maintain areas on Lots intended to benefit the community at large, including natural tree save or landscaped buffers, community (i) sidewalks, (ii) fencing, (iii) signage and (iv) lighting, which may be located on or adjacent to a Lot. Access easements reasonably necessary to allow such maintenance are hereby reserved on applicable Lots for the benefit of the Association.

(b) In addition to maintenance upon the Common Area, the Association shall provide exterior maintenance upon each Lot which is subject to assessment hereunder, as follows: (a) the repair, maintenance, and replacement of roof shingles, sheathing, felt and flashing; (b) the repair, maintenance, and replacement of gutters and downspouts; (c) the repair, replacement or maintenance of the exterior building surfaces including cornice, trim, and vinyl

siding (but specifically excluding doors, windows and their frames); (d) the periodic painting of exterior painted surfaces (including doors, trim and cornice); (e) the maintenance and replacement of trees, shrubs, and grass; (f) the repair, maintenance, and replacement of walks, curbs, parking areas and private roadways; (g) the operation, repair, maintenance, and replacement of the common irrigation system, (h) routine household trash removal services, and other exterior improvements, as determined by the Board of Directors in their discretion. If the Board of Directors reasonably determines that the need for maintenance or repair is caused through the willful or negligent act of an Owner, his family, or guests, or permittees, or invitees, the cost of such maintenance or repairs shall be added to and become a part of the assessment to which such Lot is subject. Other than those areas of Association responsibility described in this Article IV, Section 2, each Owner is responsible for the prompt repair, maintenance, and replacement of all other items relating to that Owner's Lot and improvements thereon. In no event shall the Association be responsible for repairing or replacing any portion of a Lot or the improvements thereon if the insurance the Owner is required to maintain pursuant to Article VIII, Section 6 covers such repair or replacement.

(c) The Association shall assume all responsibilities set forth in any agreement between the Declarant and the County of Henrico, Virginia for the maintenance by the Association of best management practices facilities ("BMPs") on the Property (the "Agreement") after such time as the Common Area is conveyed to the Association, and shall indemnify, defend and hold Declarant, its members, and their successors-in-interest and assigns harmless from and against all claims, costs, expenses and liabilities thereafter arising under the Agreement or otherwise associated with maintenance of the BMPs. The Association shall provide maintenance for the BMPs located on and serving the Property described herein to insure that the BMPs are and remain in proper working condition. If, after reasonable notice by the County of Henrico, Virginia, the Association fails to maintain the BMPs to control stormwater runoff in accordance with the law, the County may perform all necessary repair or maintenance work, and the County may assess the Association or properties served by the BMPs for the cost of the work and any applicable penalties. The Association shall also provide and maintain perpetual access from public rights-of-way to the BMPs for use by the County of Henrico and its agents.

(d) The Association shall pay any real and personal property taxes and other charges assessed against the Common Area.

(e) The Association shall maintain a policy or policies of liability insurance, insuring the Association and its agents, guests, permittees, and invitees and the Owners of the Lots against liability to the public or to the Owners, their guests, permittees or invitees incident to the ownership or use of the Common Area, in an amount not less than a combined single limit per occurrence (bodily injury and/or property damage) of One Million Dollars (\$1,000,000) and a Five Hundred Thousand Dollar (\$500,000) aggregate limit (maximum limit for the policy period), unless the cost of the premiums for such coverages are unreasonably high for the Association to bear, as determined by the Board of Directors in their discretion. The foregoing limits shall be reviewed at intervals of not more than three (3) years and adjusted if necessary to provide such coverage and protection as the Association may deem prudent.

(f) For the sole purpose of performing the exterior maintenance required by this Article, the Association, through its duly authorized agents or employees, shall have the right, after written notice to the Owner at least two days in advance, to enter upon any Lot or upon the exterior of any residence upon a Lot at reasonable hours; provided, however, that no prior notice shall be required in the event of an emergency, but the Association shall endeavor to provide as much prior notice as reasonably possible under the circumstances.

(g) For as long as Declarant is a Class B member, Declarant shall satisfy any deficit between the payment of actual expenses of the Association incurred (but specifically not including an allocation for reserves), and the sum of Assessments collected by the Association in any fiscal year.

**Section 3. Initial Annual Assessment.** The initial annual assessment shall be established by the Board of Directors prior to the conveyance of the first Improved Lot to an Owner other than Declarant.

(a) From and after January 1 of the year immediately following the conveyance of the first Improved Lot to an Owner other than Declarant or a Builder, the annual assessment may be increased each year above the assessment for the previous year, without a vote of the membership, by not more than twenty percent (20%).

(b) From and after January 1 of the year immediately following the conveyance of the first Improved Lot to any Owner other than Declarant or a Builder, any budget and resulting annual assessment approved by the Board of Directors which is more than twenty percent (20%) greater than the previous year's annual assessment must be presented to the members at the annual meeting of the Association preceding the fiscal year in which such assessment shall go into effect. The annual assessment described above shall go into effect automatically on the first day of the succeeding fiscal year unless disapproved by a vote of two-thirds (2/3), or more, of each class of members present, in person or by proxy, at a meeting duly called for this purpose and at which a quorum is present.

**Section 4. Special Assessments for Capital Improvements.** In addition to the annual assessments authorized above, and in addition to, and not in limitation of, such other special assessments as may be authorized by applicable law (the Virginia Property Owners Association Act, Code of Virginia 55-508 *et seq.*, for example), the Association may levy, in any assessment year, a special assessment, applicable to that year only, for the purpose of defraying, in whole or in part, the cost of construction, reconstruction, repair or replacement of any capital improvement upon the Common Area, including fixtures and personal property related thereto or the cost of maintaining the BMPs, or any other area of Association responsibility, as defined in the Governing Documents, provided that any such special assessment shall be approved by a vote of two-thirds (2/3), or more, of each class of members present, in person or by proxy, at a meeting duly called for this purpose and at which a quorum is present. Any such special assessment for Unimproved Lots shall be twenty-five percent (25%) of the special assessment for Improved Lots.

**Section 5. Notice and Quorum for Any Action Authorized Under Sections 3 and 4.** Written notice of any meeting called for the purpose of taking any action authorized under

Sections 3 or 4 of this Article shall be sent to all members not less than twenty-one (21) days, nor more than forty-five (45) days in advance of the meeting. At the first such meeting called, the presence of members or of proxies entitled to cast fifty percent (50%) of all the votes of each class of membership shall constitute a quorum. If the required quorum is not present, the meeting may be adjourned and reconvened, and the required quorum at the reconvened meeting shall be one-third (1/3) of the votes of each class of membership in person or by proxy. No such reconvened meeting shall be held more than sixty (60) days following the preceding meeting.

**Section 6. Uniform Rate of Assessment.** Both annual and special assessments must be fixed at a uniform rate for Improved Lots and at a uniform rate for Unimproved Lots and may be collected on a monthly, bi-monthly, quarterly, semi-annual or annual basis, as determined by the Board of Directors.

**Section 7. Date of Commencement of Annual Assessments; Due Dates.** With the exception of a Lot owned by the Declarant or a Builder, an Owner's responsibility to pay assessments shall commence upon conveyance of the Lot to such Owner. The first annual assessment shall be adjusted pro rata according to the number of months remaining in the calendar year. The Board of Directors shall fix the amount of the annual assessment against each Lot at least thirty (30) days in advance of each annual assessment period. Written notice of the annual assessment shall be sent to every Owner subject thereto. The due dates shall be established by the Board of Directors. The Association shall, upon demand, and for a reasonable charge, furnish a certificate signed by an officer of the Association setting forth whether the assessments on a specified Lot have been paid. A properly executed certificate of the Association as to the status of assessments against a Lot is binding upon the Association as of the date of its issuance.

**Section 8. Effect of Nonpayment of Assessments; Remedies of the Association.** Any assessment or installment thereof not paid within fifteen (15) days after the due date shall bear interest from the due date at the rate of twelve percent (12%) per annum, or the maximum amount allowed by law, whichever is less, together with a late charge in the amount of the greater of ten dollars (\$10.00) or ten percent (10%) of the assessment amount that is due and unpaid. The Association may bring an action at law against the Owner personally obligated to pay such assessment, or foreclose the lien against the delinquent Owner's Lot, or exercise the rights reserved in Section 1(b) of Article II of this Declaration. If assessments are payable in installments and if any installment of assessments is not paid within thirty (30) days after the date when due, then the entire balance of all unpaid installments of such assessment may be declared immediately due and payable in full. No Owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the Common Area or abandonment of his Lot.

**Section 9. Subordination of the Lien to Mortgages and Other Liens.** The lien of the assessments provided for herein shall be subordinate and inferior to the lien for real estate taxes and bona fide duly recorded first deeds of trust on each Lot. Sale or transfer of any Lot shall not affect the assessment lien. However, the sale or transfer of any Lot pursuant to foreclosure of a first mortgage or any proceeding in lieu thereof shall extinguish the lien of such assessments as to payments which became due prior to such sale or transfer. No sale or transfer shall relieve such Lot from liability for any assessments thereafter becoming due or from the lien thereof.

**Section 10. Working Capital Assessment.** In addition to all assessments, a working capital assessment shall be payable by the initial purchaser of an Improved Lot. The amount of the working capital assessment shall be established annually by the Board of Directors for the year in which the first closing on a residence occurs.

**ARTICLE V**  
**ARCHITECTURAL AND DEVELOPMENT MATTERS**

**Section 1. Approval Required.** No building, fence, wall, walkway, driveway or other structure or landscaping shall be commenced, erected or maintained upon the Property, nor shall any exterior addition, change or alteration therein be made, including exterior painting, until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Board of Directors of the Association, or by an "Architectural Committee" composed of two (2) or more representatives appointed by the Board. The Architectural Committee may prepare for the Board's approval architectural standards consistent with and supplementing the minimum standards set forth in this Declaration (the "Standards"). Approval or disapproval of plans, locations or specifications may be based by the Architectural Committee or the Board upon any ground incorporated within the Standards including purely aesthetic considerations, which, in the sole and uncontrolled discretion of the Architectural Committee or the Board, shall be sufficient. If the Board or the Architectural Committee has not approved or rejected such plans and specifications within thirty (30) days following receipt of written request for approval, the party making the submission for approval shall deliver to the Architectural Committee or the Board written notice of its failure to act, and, if approval is not granted or denied within fifteen (15) days thereafter, the plans and specifications shall be deemed to be approved unless they conflict with the express minimum requirements of this Declaration or the Standards.

**Section 2. Failure to Obtain Approval.** By accepting a conveyance of a Lot, each Owner, for himself, his heirs, successors and assigns, covenants that if he alters or redecorates the exterior of the premises before submission of plans thereof to the Board of Directors, the Board of Directors shall have the right, through agents and employees of the Association, and in addition to any other rights or remedies that it may have at law or in equity, to enter upon the Lot and to repair, redecorate, maintain, rehabilitate and restore the premises and the exterior of any improvement thereon, and that the costs thereof shall be a special assessment to and become a lien upon the Lot so redecorated, repaired, maintained, rehabilitated, or restored and that the Owner will pay, to the Association, the amount of the charge in the time and manner set forth above.

**Section 3. Minimum Development Standards.** All development on the Property must comply with applicable zoning provisions, including the proffered conditions accepted at the time of approval of Zoning Case REZ2016-00024 (the "Rezoning Case"), as such conditions may be amended from time to time, until such time as the Rezoning Case, as amended, no longer controls development of the Property. Improved Lots shall comply with the following minimum requirements in addition to the requirements of the Standards:

- (a) No Lot shall, after its original conveyance, be subdivided into smaller lots or parcels. No structure of a temporary character, trailer, mobile home, basement, tent, shack, garage, barn or other outbuilding shall be used on any Lot at any time as a residence either temporarily or permanently.
- (b) Only one residence shall be erected or placed on a Lot.
- (c) No wooden stockade fences shall be erected on the Property.
- (d) The minimum square footage of finished floor area for residences shall be 1,400 square feet. Upon completion of construction of residences, the average square feet of finished floor area for all residences shall be 1,500 square feet. The Declarant shall maintain a record of the finished floor area of each unit and submit to the County on a quarterly basis to track the satisfaction of the 1,500 square foot average minimum finished floor area requirement.
- (e) The exposed portion of each exterior wall surface (front, rear and sides) of any residence (excluding rooftop screening materials for mechanical equipment) shall be brick, stone, and/or vinyl siding excluding windows, doors, breezeways, and other architectural design features. The visible portions of exterior residence foundations shall be constructed of brick or stone. A minimum of thirty percent (30%) of the total front façade space (ie., in the aggregate for the entire project) shall be brick or stone. Any single attached row of residences shall have front façade area of at least fifteen (15%) percent brick or stone. Declarant shall maintain a record of percentages of the materials for the front of the residences where required and shall provide such record at the time of each building permit.
- (f) The front stoop and steps of each residence shall be constructed of brick of stone.
- (g) All lighting for the residences and additional parking areas will be by residential light posts.
- (h) All mailboxes shall be of a uniform design.
- (i) Any residence with a fireplace other than direct vent gas fireplaces or appliances shall have masonry chimneys faced with brick or stone similar to the foundation.
- (j) Front and side yards shall be sodded and irrigated.
- (k) All driveways shall be constructed of either cobblestone, brick, asphalt pre-cast pavers, concrete or other similar materials approved by the Architectural Committee. There shall be no driveways that directly access Scott Road.
- (l) Sidewalks a minimum of four (4) feet in width shall be provided in front of all residences.
- (m) There shall be at least one (1) tree with a minimum caliper of two and a half (2-1/2) inches at the time of planting, retained or planted on each side of each building.

- (n) Each residence shall have a minimum of four (4) shrubs planted along the front foundation.
- (o) Mechanical equipment shall be screened from view off site, at ground level.
- (p) Central trash receptacles shall not be permitted to serve Lots on the Property.

**ARTICLE VI  
PARTY WALLS.**

**Section 1. General Rules of Law to Apply.** Each wall, which is built as a part of the original construction of the homes upon the Property and placed on the dividing line between Lots, shall constitute a party wall, and to the extent not inconsistent with the provisions of this Article, the general rules of law regarding party walls and liability for property damage due to negligence or willful acts or omissions shall apply thereto.

**Section 2. Sharing of Repair and Maintenance.** The cost of reasonable repair and maintenance of a party wall shall be shared by the Owners who make use of the wall in proportion to such use. Any disputes over the reasonableness of the cost of such repair and maintenance shall be resolved in accordance with Section 6 of this Article.

**Section 3. Destruction by Fire or Other Casualty.** If a party wall is destroyed or damaged by fire or other casualty, any Owner who has used the wall may restore it, and if the other Owners thereafter make use of the wall, they shall contribute to the cost of restoration thereof in proportion to such use without prejudice to the right of any such Owners to call for a larger contribution from the others under any rule of law regarding liability for negligent or willful acts or omissions.

**Section 4. Weatherproofing.** Notwithstanding any other provision of this Article, an Owner who by his negligent or willful act causes the party wall to be exposed to the elements shall bear the whole cost of furnishing the necessary protection against such elements.

**Section 5. Right to Contribution Runs with Land.** The right of any Owner to contribution from any other Owner under this Article shall be appurtenant to the Owner's Lot and shall pass to such Owner's successors in title.

**Section 6. Arbitration.** Upon any dispute arising concerning a party wall, or under the provisions of this Article, the parties may choose to resolve such dispute through binding arbitration. In such case, the Board of Directors shall act as the arbitrator. However, if the parties object to the Board of Directors acting as the arbitrator, then each party shall choose one arbitrator, and each arbitrator shall choose one additional arbitrator, and the decision shall be by a majority of all the arbitrators. If the parties fail to use the Board of Directors as the arbitrator, the fees of the arbitrators used shall be borne by the parties, and the arbitrators may elect to award the prevailing party the right to contribution for such fees from the non-prevailing party.

ARTICLE VII  
EASEMENTS

Section 1. Reservation by Declarant. Declarant reserves unto itself, its successors and assigns, a perpetual easement and right of way on, over, along and under the streets and roads of the Property and over the easement areas designated in this Declaration to install, maintain and use underground electric, cable television and telephone wires, cables, conduits, drainage ways, sewers, water mains and other equipment for the conveyance and use of electricity, telephone equipment, gas, sewer, water, drainage or other public conveniences or utilities as may be necessary or desirable to serve the Property and any Additional Land being developed by Declarant. These easements and rights expressly include the right to cut any trees, bushes or shrubbery or to take any other action reasonably necessary to provide economical and safe utility installation and to maintain reasonable standards of health, safety and appearance.

Section 2. Adjoining Areas. Each Lot and its Owner are hereby declared to have an easement and the same is hereby granted by the Declarant over all adjoining Lots and Common Areas, as the case may be, for the purpose of accommodating any encroachment due to engineering errors, errors in original construction, settlement or shifting of the building, or any other cause, providing such encroachments do not exceed one foot or touch any building or interfere with the use of any improvements on the servient property. There shall be valid easements for the maintenance of such encroachment, settlement or shifting; provided, however, that in no event shall a valid easement for encroachment be created in favor of an Owner or Owners if the encroachment occurred due to the willful misconduct of the Owner or Owners.

Section 3. Overhanging Roofs and Eaves. Each Lot and its Owner is hereby declared to have an easement and the same is hereby granted by the Declarant, over each adjoining Lot and the Common Area, as the case may be, for over-hanging roofs and eaves attached to improvements on the Lot, provided, however, that such encroachments may not exceed one foot.

Section 4. Duties of the Association. There is hereby reserved to the Association such easements over, through and across the Property as are necessary to perform the duties and obligations of the Association as are set forth in Article IV above.

Section 5. Hedges and Fences. Each Lot and its Owner is hereby declared to have an easement and the same is hereby granted by the Declarant, for encroachments on adjoining Lots or Common Area, as the case may be, due to hedges or fences belonging to such Lot, to the extent such hedge or fence encroaches on adjoining Lots or Common Area. Notwithstanding the foregoing, no fence shall be erected without the permission of the Board of Directors or the Architectural Committee acting on behalf of the Board of Directors.

Section 6. Ingress/Egress Easements. All Owners, their respective tenants, guests, contractors and invitees shall have an easement over the private roads on the Property for ingress and egress between such Owners' Lot or Lots and public rights of way into which such private roads provide access.

Section 7. Priority of Easements. Each of the easements hereinabove referred to shall be deemed to have been established upon the recordation of this Declaration and shall

henceforth be deemed to be covenants running with the land for the use and benefit of the Lots, and the Common Area, as the case may be, superior to all other encumbrances which may hereafter be applied against or in favor of the Property or any portion thereof.

**ARTICLE VIII**  
**PARTICULAR RESTRICTIONS AND INSURANCE REQUIREMENTS**

**Section 1. Noxious or Offensive Activity.** No noxious or offensive activity shall be carried on or upon any Lot or any part of the Property, nor shall anything be done thereon which may be or may become an annoyance or nuisance, public or private, to the neighborhood, or which shall in any way interfere with the quiet enjoyment of each of the Owners of a residence, or which shall in any way increase the rate of insurance.

**Section 2. Animals.** No animals, livestock, or poultry of any kind shall be raised, bred or kept on any Lot, except that two of either a dog, cat or other household pet may be kept on a Lot provided that it is not kept, bred or maintained for any commercial purpose. Notwithstanding the foregoing, no animals or fowl may be kept on the Property which result in any annoyance or are obnoxious to residents in the vicinity, and each Owner shall be absolutely liable to each and all remaining Owners, their families, guests, permittees and invitees, and to the Association, for any and all damage to person or property caused by any pets brought upon or kept upon the Lots or the Common Area by any Owner or by members of his family, guests, permittees or invitees. If any such animal is kept in the rear yard of the Lot, maintenance services may be withheld without credit or rebate to the Owner. No Owner shall permit any dog to be let out of that Owner's unit unless the dog is kept within a fence or on a leash. Any Owner keeping an animal on a Lot will comply with all requirements of law applicable to such animal.

**Section 3. Parking.** Ownership of each Lot shall entitle the Owner or Owners thereof to the use of not more than two (2) automobile parking spaces, which shall be as near and convenient to said Lot as reasonably possible. Unless otherwise established by the Board of Directors, all parking shall be on a first-come, first-served basis.

**Section 4. Prohibited and Restricted Vehicles.** Parking of recreational vehicles, boats, trailers and campers is prohibited on the Property. Commercial vehicles (weighing in excess of three-fourths of a ton when empty), vehicles primarily used or designated for commercial purposes, tractors and buses shall not be parked on any street or in a front yard, but shall be parked only in enclosed garages or in other areas, if any, designated by the Board of Directors. Stored vehicles and vehicles which are either obviously inoperable or do not have current operating licenses shall not be permitted on the Property except within enclosed garages. No commercial vehicle exceeding 10,000 pounds gross weight, commercial trailer, wrecker, service or delivery vehicle may be permitted on any portion of the Property, except while making deliveries, loading, unloading or servicing work at or near the location of such vehicle. Any vehicle parked in violation of this Section or the Rules and Regulations promulgated by the Board of Directors may be towed.

**Section 5. Residential Use.** All Improved Lots shall be used for single family residential purposes exclusively. The use of a portion of any Improved Lot for business purposes by the owner or occupant thereof shall be considered a residential use only if the Improved Lot is

used primarily for residential purposes, and if such business use (i) is not detectable by sight, sound or smell from the exterior of the residence, (ii) is consistent with zoning and does not violate applicable law; (iii) does not increase the liability or casualty insurance premium or obligation of the Association or of other residents of the Property; and (iv) does not create any customer or client traffic to and from the Improved Lot. The use of an Improved Lot shall not be deemed to be for single family purposes if the Improved Lot is used (whether by common owners or tenants) by more than four (4) unrelated persons as a residence.

**Section 6. Fire Insurance and Extended Coverage.** Each Owner shall be responsible for securing insurance policies for fire and extended coverage for the structure on each individual Lot, in an amount equal to 100% of the then current replacement cost of the property (excluding land, foundations, excavations and other items that are usually excluded from such coverage) without deduction for depreciation. Copies of all policies and any renewals shall be filed with the Board within thirty (30) days after written request by the Board. The Board reserves the right to approve all policies.

**Section 7. Rentals.** Improved Lots shall not be leased unless the lease is subject in all respects to the terms and provisions of the Governing Documents. The Board may adopt regulations requiring the use of a lease form or addendum approved by the Board for this purpose and establish minimum requirements for leases including, without limitation, minimum lease terms and rules requiring that an entire Improved Lot be leased instead of a portion thereof.

**Section 8. Trash Pickup and Street Cleaning.** There shall be no trash pickup or street cleaning between the hours of 9:00 p.m. and 7:00 a.m. the next day. There shall be no street cleaning or trash pick-up on Sundays.

**Section 9. Construction Hours.** The hours of exterior construction activities, including operation of bulldozers and other earth-moving equipment shall be between 7:00 a.m. and 7:00 p.m. Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours and utility connections. Hours shall be posted in both English and Spanish during construction of initial residences on the Property. Sunday hours shall be between 9:00 a.m. and 5:00 p.m.

**Section 10. Board as Agent.** The Board is hereby irrevocably appointed as the agent for each Owner of a Lot and for each mortgagee of a Lot to adjust all claims arising under any insurance policy or policies purchased by the Board, provided, however, that no adjustment shall be deemed binding until concurred in by any mortgagee affected thereby.

**Section 11. Insurance Trustee.** The Board may from time to time designate as an insurance trustee, a bank, trust company, savings and loan association, insurance company, or any financial institution to discharge the duties and responsibilities of the Board and the Association relating to insurance proceeds. The Board shall pay the fees and disbursements of any insurance trustee and such fees and disbursements shall constitute a common expense of the Owners to be included as part of the annual assessment provided in Article IV hereof.

ARTICLE IX  
ENFORCEMENT

Section 1. Enforcement. Declarant, the Association or any Owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. If, in any litigation for the enforcement of these covenants, conditions and restrictions, the Declarant, the Association or any Owner bringing suit prevails, such Person shall be entitled to be reimbursed for reasonable attorney's fees incurred in seeking such enforcement. Failure to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 2. Invalidation. Invalidation of any of these covenants by judgment or court order shall in no way affect any of the other provisions hereof which shall remain in full force and effect.

ARTICLE X  
TERM AND AMENDMENT

Section 1. Term. These covenants shall run with the land and shall be binding on all parties and all Persons claiming under them for a period of twenty (20) years from the date these covenants are recorded, after which time they shall automatically be extended for additional ten (10) year periods, unless an instrument signed by at least two-thirds (2/3) of the then Owners of the Lots has been recorded, agreeing to change the covenants in whole or in part.

Section 2. Amendment. This Declaration may be amended by an instrument approved by at least two-thirds (2/3) of the votes entitled to be cast; provided, however, that no approval of the Owners shall be required (i) to effect the annexation of Additional Land by Declarant pursuant to Article XII, Section 3; or (ii) to make any technical amendment to this Declaration as requested by any government agency, mortgagee or insurer which does not materially or adversely affect the rights of the Owners. Any amendment must be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia and must either be signed by at least two-thirds of the Owners or have appended to it an acknowledged certificate of the secretary of the Association that the Amendment has been approved as required hereby.

ARTICLE XI  
GENERAL PROVISIONS

Section 1. Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall not affect any other provisions which shall remain in full force and effect.

Section 2. Liability and Indemnification of Declarant, Officers and Directors. The Association shall indemnify the Declarant and every officer and director of the Association against any and all expenses, including attorneys' fees, reasonably incurred by or imposed upon the Declarant, any officer or director in connection with any action, suit or other proceeding (including settlement of any suit or proceeding if approved by the Board of Directors) to which

the Declarant, an officer or director may be made a party by reason of being or having been the Declarant or an officer or director of the Association regardless of whether he is the Declarant or an officer or director at the time such expenses are incurred. The Declarant, officers and directors of the Association shall not be liable to the Owners for any mistake of judgment, negligence, or otherwise, except for their own individual willful misconduct or bad faith. The Declarant and the officers and directors of the Association shall have no personal liability with respect to any contract or other commitment (including any BMP agreement made and entered into by the Declarant) made by them, in good faith, on behalf of the Association (except to the extent of such officers', directors' or the Declarant's obligations as Lot Owners) and the Association shall indemnify and forever hold the Declarant and each officer and director free and harmless against any and all liability to others on account of any such contract or commitment. Any right to indemnification provided for herein shall not be exclusive of any other rights to which the Declarant or any officer or director of the Association, or former officer or director of the Association or the Declarant, may be entitled.

**Section 3. Staged Development.** Any portion of the Additional Land owned by the Declarant may be annexed to the Property under this Declaration for development of additional residences and Common Area at any time by recordation of a Declaration of Annexation executed by the Declarant and recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia. Other land may be annexed to the Property under this Declaration for development if approved by no less than seventy-five percent (75%) of the members in attendance at a duly-called meeting of the Association at which a quorum is present. Any additional Lots shall be subject to assessment from the later to occur of (i) the date annexed or (ii) the date services are provided by the Association to such additional Lots or any additional Common Area annexed with such Lots, in accordance with the provisions of this Declaration.

SIGNATURE APPEAR ON THE FOLLOWING PAGES

BK5849PG0225

IN WITNESS WHEREOF, the undersigned Declarant has caused this Declaration to be executed as of this 25<sup>th</sup> day of April, 2019.

SCOTT PLACE DEVELOPERS LLC  
a Virginia limited liability company

By: *Paul Rubis*  
Paul Rubis, Manager

COMMONWEALTH OF VIRGINIA  
COUNTY/CITY OF Herndon

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of April, 2019, by Paul Rubis, Manager of Scott Place Developers, LLC, a Virginia limited liability company.

*Judy L. Harvell*  
Notary Public

My commission expires: 12/31/2019

Registration Number: 332066

LINDY L. HARVELL  
NOTARY PUBLIC  
REGISTRATION # 332066  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES  
DECEMBER 31, 2019

The undersigned is the beneficiary of a Deed of Trust recorded in the Clerk's Office in Deed Book 5700, page 1752 (the "First Deed of Trust"), encumbering the Property, and joins herein to consent to the terms of the Declaration and to authorize the Trustee to agree that the terms of the Declaration shall be binding on the Property.

BRANCH BANKING AND TRUST COMPANY

By: [Signature]  
Title: Vice President

BB&T-VA Collateral Service Corporation, Trustee under the First Deed of Trust, joins herein at the request of the noteholder under the First Deed of Trust to acknowledge the Trustee's agreement that the Property shall be held and developed subject to the terms of the Declaration to which this statement is attached.

BB&T-VA Collateral Service Corporation, Trustee

By: [Signature]  
Title: Vice President

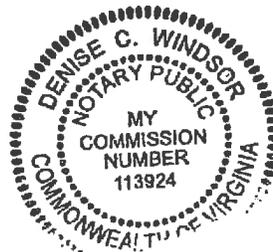
COMMONWEALTH OF VIRGINIA  
COUNTY/CITY OF Richmond

The foregoing instrument was acknowledged before me this 25 day of April, 2019, by Michael C Lang, Vice President on behalf of BB&T-VA Collateral Service Corporation.

[Signature]  
Notary Public

My commission expires: 4.30.2019

Registration Number: 113924



# EXHIBIT 'E'



SINGLE FACED 3'-5" X 4'-7" CARVED HDU SIGN FACE W/  
"V" PRISMATIC CARVED COPY & LOGO. DECORATIVE WROUGHT  
IRON BACKER & CRAFTSMAN STYLE MASONRY COLOUMNS



11930-C OLD STAGE RD.  
CHESTER, VA 23831  
804-908-3008 FAX. 804-717-9948  
SKETCH PROPERTY OF WOODCRAFT SIGN SHOPPE, LLC.

DATE: 09/16/2025  
FILE: TOWNESOFPOORCREEK  
SCALE 1/2"=1'-0"

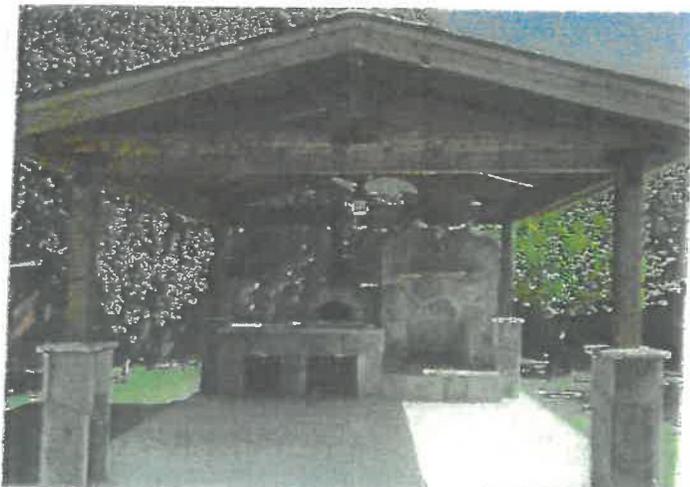
TOT LOT EXAMPLE #1



DOG PARK



WALKING TRAILS



PAVILION

EXAMPLES FOR:  
PLAYGROUND/TOT LOT  
DOG PARK  
WALKING TRAILS  
PAVILION

Traffic Impact Analysis

# Townes at Poor Creek

Petersburg, Virginia

February 2026

Prepared for:  
Wilton Acquisition, LLC  
1904 Byrd Avenue  
Suite 308  
Richmond, Virginia 23230



**GOROVE SLADE**  
Transportation Planners and Engineers

**Prepared by:**



Richmond, VA

Fairfax, VA

Norfolk, VA

Washington, DC

Bethesda, MD

**[www.goroveslade.com](http://www.goroveslade.com)**

This document, together with the concepts and designs presented herein, as an instrument of services, is intended for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization by Gorove/Slade Associates, Inc., shall be without liability to Gorove/Slade Associates, Inc.

---

## TABLE OF CONTENTS

Executive Summary .....	3
Study Area .....	3
Recommendations .....	3
Introduction .....	4
Study Area .....	4
Existing Conditions.....	7
Existing Roadway Network.....	7
Existing Traffic Volumes.....	7
No-Build Conditions.....	10
Planned Future Transportation Improvements.....	10
Approved Development Traffic.....	10
Background Traffic Growth.....	10
Build Conditions .....	12
Site Trip Generation .....	12
Site Trip Distribution.....	12
Build 2029 Traffic Volumes .....	12
Turn Lane Warrant Analysis.....	16
Traffic Capacity Analysis.....	17
Capacity Analysis Procedure .....	17
Capacity Analysis Results.....	17
Impact to Allen Avenue .....	20
Collision Data Analysis.....	21
Intersection Collision Data.....	22
Recommendations .....	24

## APPENDICES

- Appendix A – TIA Scope Form
- Appendix B – Traffic Count Data and Signal Timings
- Appendix C – Synchro Output – Existing (2025) Conditions
- Appendix D – Synchro Output – No-Build (2029) Conditions
- Appendix E – Synchro Output – Build (2029) Conditions
- Appendix F – Turn Lane Warrant Charts
- Appendix G – Collision Data

---

## LIST OF FIGURES

Figure 1: Site Location and Study Intersections .....	5
Figure 2: Preliminary Site Plan .....	6
Figure 3: Existing Lane Configuration .....	8
Figure 4: Existing (2025) AM and PM Peak Hour Traffic Volumes .....	9
Figure 5: No-Build (2029) AM and PM Peak Hour Traffic Volumes.....	11
Figure 6: Site Trip Distribution .....	13
Figure 7: Site Trip Assignment .....	14
Figure 8: Build (2029) AM and PM Peak Hour Traffic Volumes .....	15
Figure 9: Recommended Lane Configuration.....	25

## LIST OF TABLES

Table 1: Existing Roadway Network.....	7
Table 2: ITE Trip Generation – Typical Weekday – 12 <sup>th</sup> Edition.....	12
Table 3: Turn Lane Warrant Results .....	16
Table 4: Capacity Analysis Results – S. Crater Road at Myrick Avenue / Toll Gate Lane (Intersection 1).....	17
Table 5: Capacity Analysis Results – S. Crater Road at E. South Boulevard (Intersection 2).....	18
Table 6: Capacity Analysis Results – S. Crater Road at Proposed Right-in / Right-out Driveway (Intersection 3).....	19
Table 7: Historical Collision Data Summary .....	21
Table 8: VDOT Collision Data for S Crater Road at Myrick Avenue / Toll Gate Lane .....	22
Table 9: VDOT Collision Data for S Crater Road at E South Boulevard .....	23

---

## Executive Summary

Wilton Acquisition, LLC is proposing to build a neighborhood in the northeast quadrant of the South Crater Road at East South Boulevard intersection in Petersburg, Virginia. The development plan includes 101 townhomes with one right-in / right-out driveway on South Crater Road and cross-access to Allen Avenue. If approved, the neighborhood is expected to be fully built and occupied by 2029.

### **Study Area**

Based on the scope meeting with the City on November 26, the following scenarios were analyzed:

- Existing (2025) traffic conditions
- No-Build (2029) traffic conditions
- Build (2029) traffic conditions

The weekday AM and PM peak hours were studied for the following intersections:

1. South Crater Road at Myrick Avenue / Toll Gate Lane
2. South Crater Road at East South Boulevard
3. South Crater Road at Proposed Right-In / Right-Out Driveway

### **Recommendations**

Based on the results of the traffic capacity analysis, the following roadway improvements are recommended to mitigate the build 2029 traffic conditions:

#### S. Crater Road at Proposed Right-in / Right-out Driveway:

- Construct the right-in / right-out driveway with one ingress lane and one egress lane

#### Cross-Access Connection to Allen Avenue:

- Construct the access road with one ingress lane and one egress lane
- Channelize the access road with a raised island to make the northbound egress lane right-turn only
- Install signage to prohibit on-street parking along the south side of Allen Avenue west of the access road as necessary to maintain adequate sight distance for drivers making the northbound right-turn movement
- Mill and overlay Allen Avenue for 200 feet in both directions from the centerline of the proposed driveway

---

## Introduction

Wilton Acquisition, LLC is proposing to build a neighborhood in the northeast quadrant of the South Crater Road at East South Boulevard intersection in Petersburg, Virginia. The development plan includes 101 townhomes with one right-in / right-out driveway on South Crater Road and cross-access to Allen Avenue. If approved, the neighborhood is expected to be fully built and occupied by 2029.

### **Study Area**

Based on the scope meeting with the City on November 26, the following scenarios were analyzed:

- Existing (2025) traffic conditions
- No-Build (2029) traffic conditions
- Build (2029) traffic conditions

The weekday AM and PM peak hours were studied for the following intersections:

1. South Crater Road at Myrick Avenue / Toll Gate Lane
2. South Crater Road at East South Boulevard
3. South Crater Road at Proposed Right-In / Right-Out Driveway

Figure 1 shows the site location and study intersections, and Figure 2 shows the preliminary site plan.



Figure 1: Site Location and Study Intersections

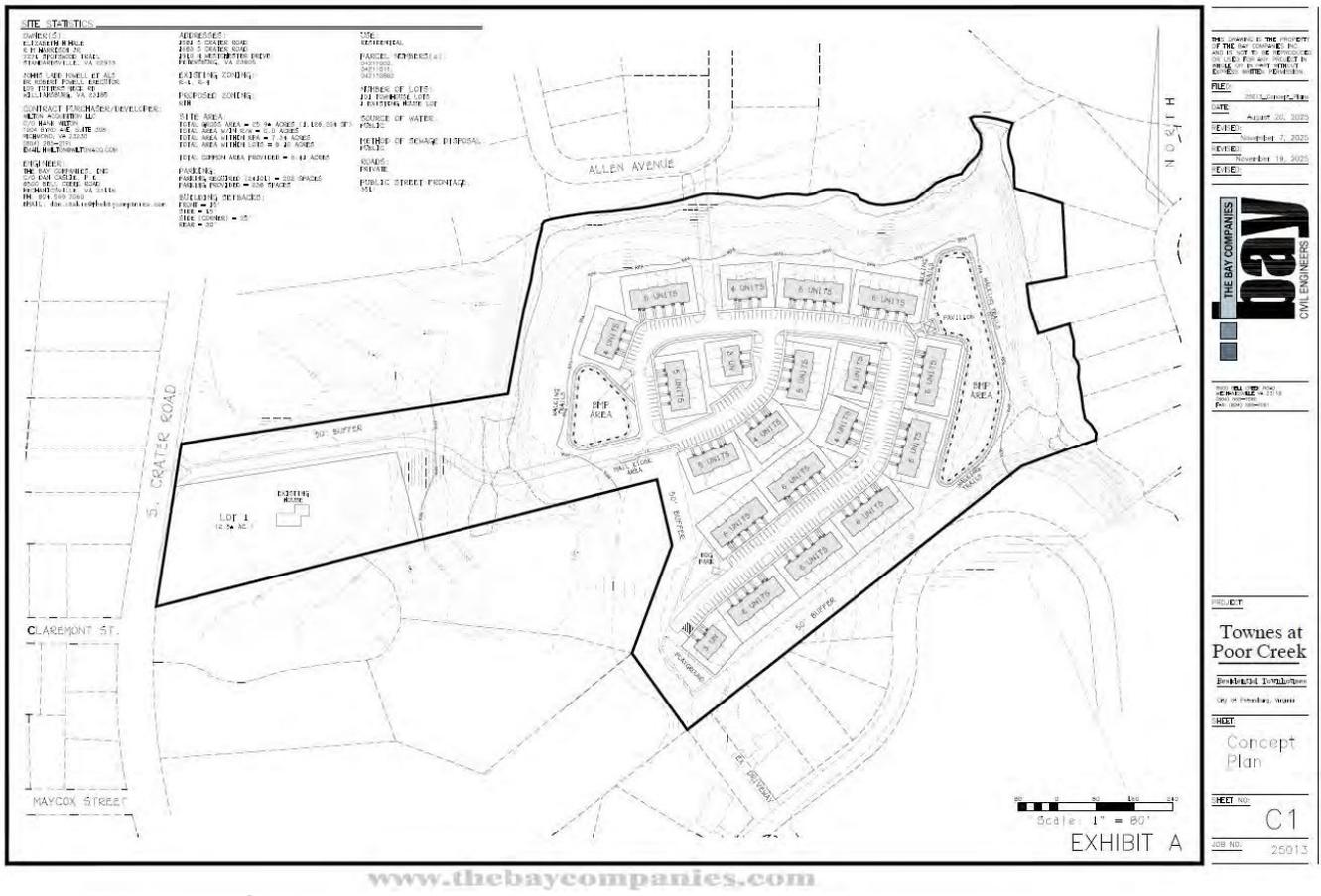


Figure 2: Preliminary Site Plan

## Existing Conditions

### Existing Roadway Network

Existing lane configurations and turn lane storage lengths were collected in the field by Gorove Slade. A description of the major roadways within the study area is presented below in Table 1. The existing lane configurations at the study intersections are illustrated on Figure 3.

**Table 1: Existing Roadway Network**

Roadway	RTE #	VDOT Classification	Posted Speed Limit (mph)	2024 VDOT AADT (vpd)
S Crater Road	301	Principal Arterial	35	20,000
E South Boulevard (West of S Crater Rd)	N/A	Minor Arterial	25	3,500
E South Boulevard (East of S Crater Rd)	N/A	Minor Collector	25	2,900

### Existing Traffic Volumes

The AM peak hour (7:00 to 9:00 AM) and PM peak hour (4:00 to 6:00 PM) turning movement counts were conducted at the following intersection by Burns Services, Inc.:

- South Crater Road at Myrick Avenue / Toll Gate Lane (counted December 2, 2025)
- South Crater Road at East South Boulevard (counted October 21, 2025)

The existing 2025 peak hour traffic volumes for the study intersections are shown in Figure 4, and the turning movement count data is included in the Appendix.

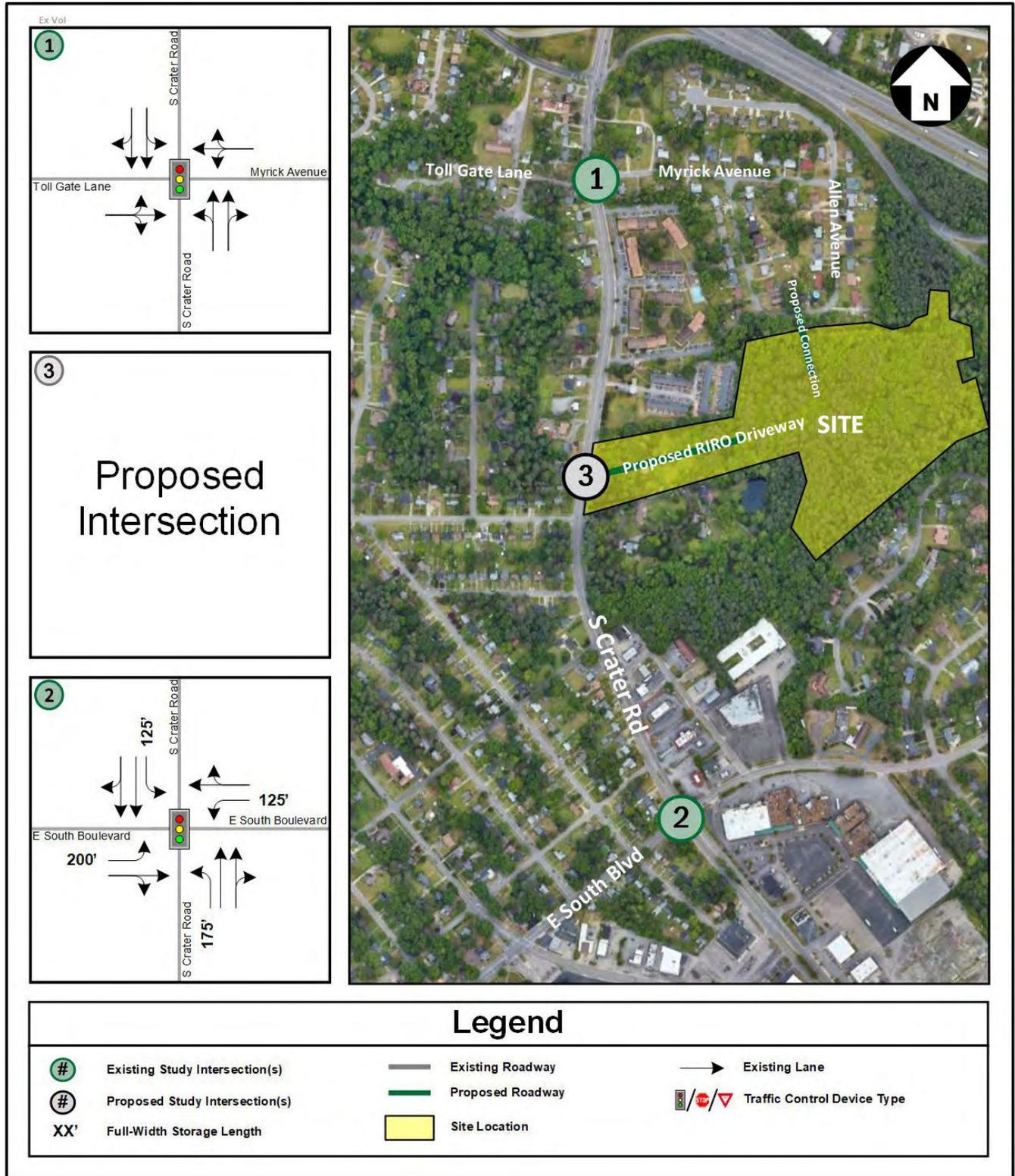


Figure 3: Existing Lane Configuration

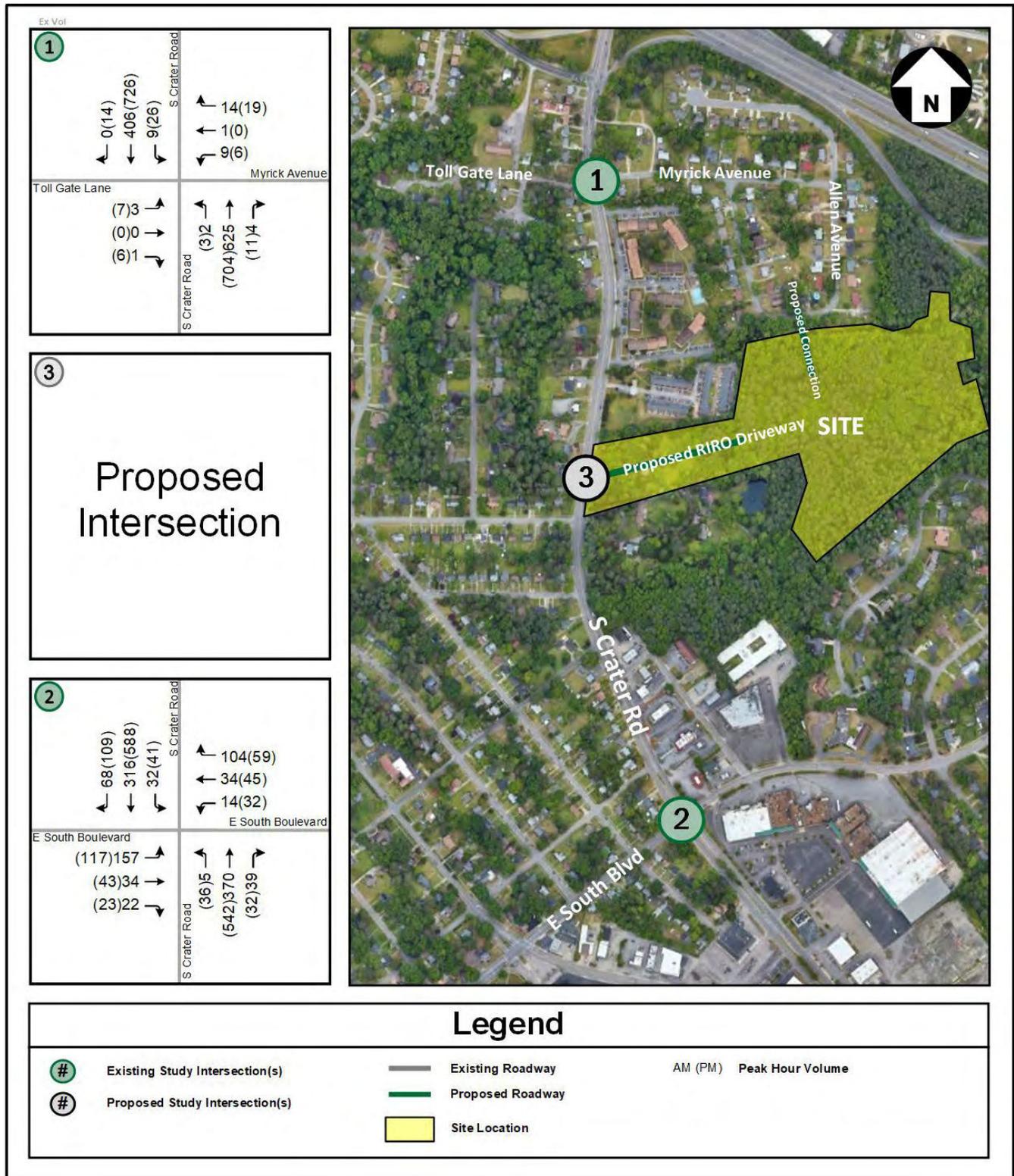


Figure 4: Existing (2025) AM and PM Peak Hour Traffic Volumes

---

## No-Build Conditions

In order to determine the traffic impact of the proposed neighborhood, a comparison of the future conditions of the study intersections must be made. This is achieved by analyzing the horizon year (2029) with and without the traffic generated by the proposed neighborhood. The future year condition without the neighborhood is called the no-build condition, and it is determined by projecting the existing traffic to the build-out year using an annualized growth rate and adding it the traffic from approved (but not yet built) developments in the study area.

### ***Planned Future Transportation Improvements***

Based on discussion with the City, there are no planned geometric improvements at the study intersections.

### ***Approved Development Traffic***

Based on discussion with the City, there are no approved developments included in this analysis.

### ***Background Traffic Growth***

Based on the TIA scope meeting, an annual traffic growth rate of 1.0% was applied to the existing traffic volumes. The existing 2025 counts were increased by the annual growth rate for four years to estimate the no-build 2029 traffic volumes, which are shown in Figure 5.

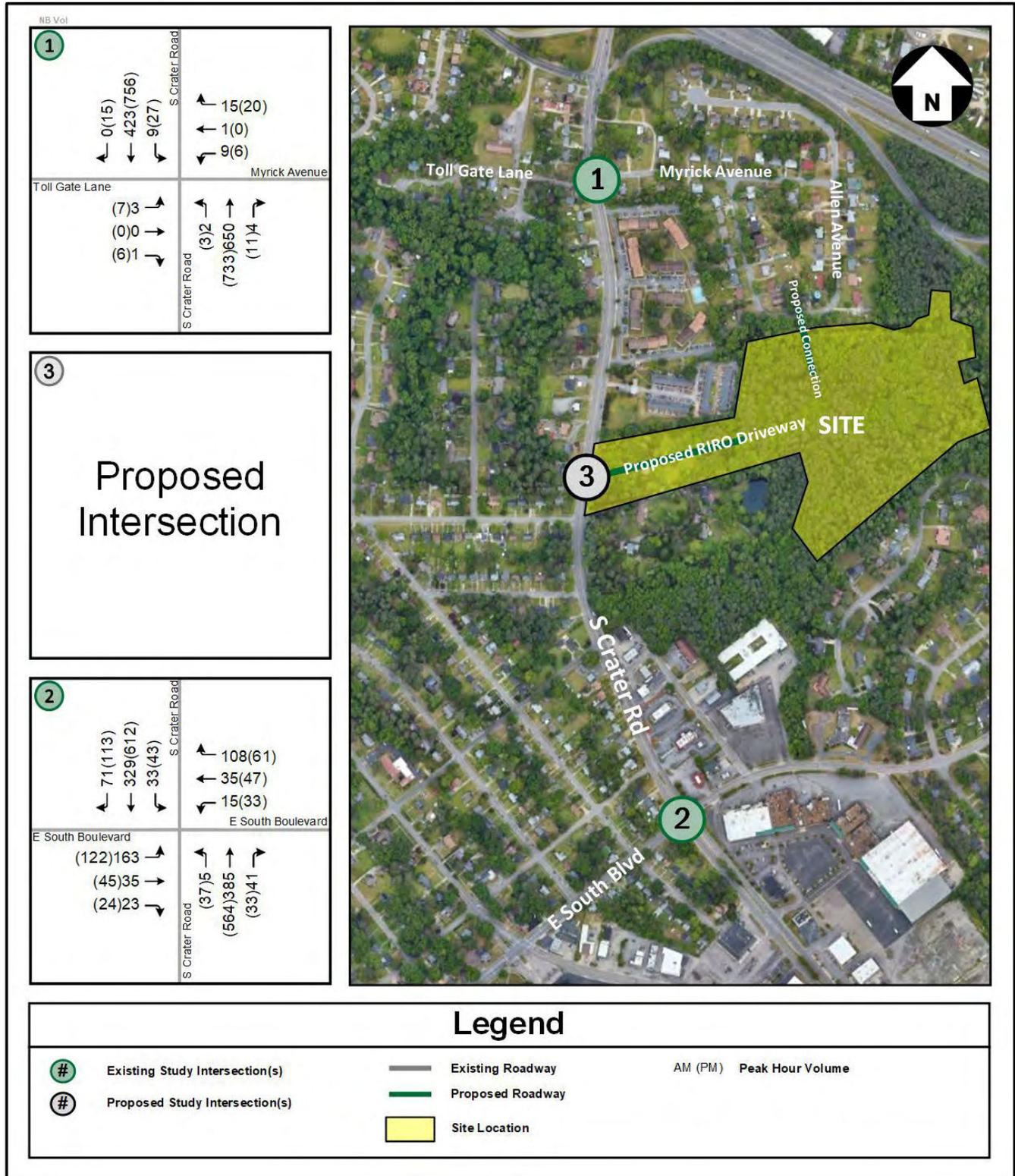


Figure 5: No-Build (2029) AM and PM Peak Hour Traffic Volumes

## Build Conditions

### Site Trip Generation

The Institute of Transportation Engineer’s (ITE) *Trip Generation Manual, 12<sup>th</sup> Edition* was used to estimate the trip potential of the neighborhood during the weekday AM and PM peak hours. Table 2 shows the trip generation potential of the proposed neighborhood.

**Table 2: ITE Trip Generation – Typical Weekday – 12<sup>th</sup> Edition**

Land Use	ITE Code	Size Units	Average Weekday Daily Traffic (vpd)		AM Peak Hour (vph)		PM Peak Hour (vph)	
			Enter	Exit	Enter	Exit	Enter	Exit
Single Family Attached	215	101 lots	332	332	12	35	29	23

### Site Trip Distribution

The site trip distribution was determined based on a review of existing traffic patterns, surrounding land uses, and engineering judgement:

- 70% to / from the north on S. Crater Road
- 20% to / from the south on S. Crater Road
- 10% to / from the west on E. South Boulevard

The site trip distribution is shown in Figure 6, and the site trip assignment is shown in Figure 7.

### Build 2029 Traffic Volumes

The Build 2029 traffic volumes were estimated by adding the No-Build 2029 traffic volumes (Figure 5) and the site trip assignment (Figure 7) and are shown in Figure 8.

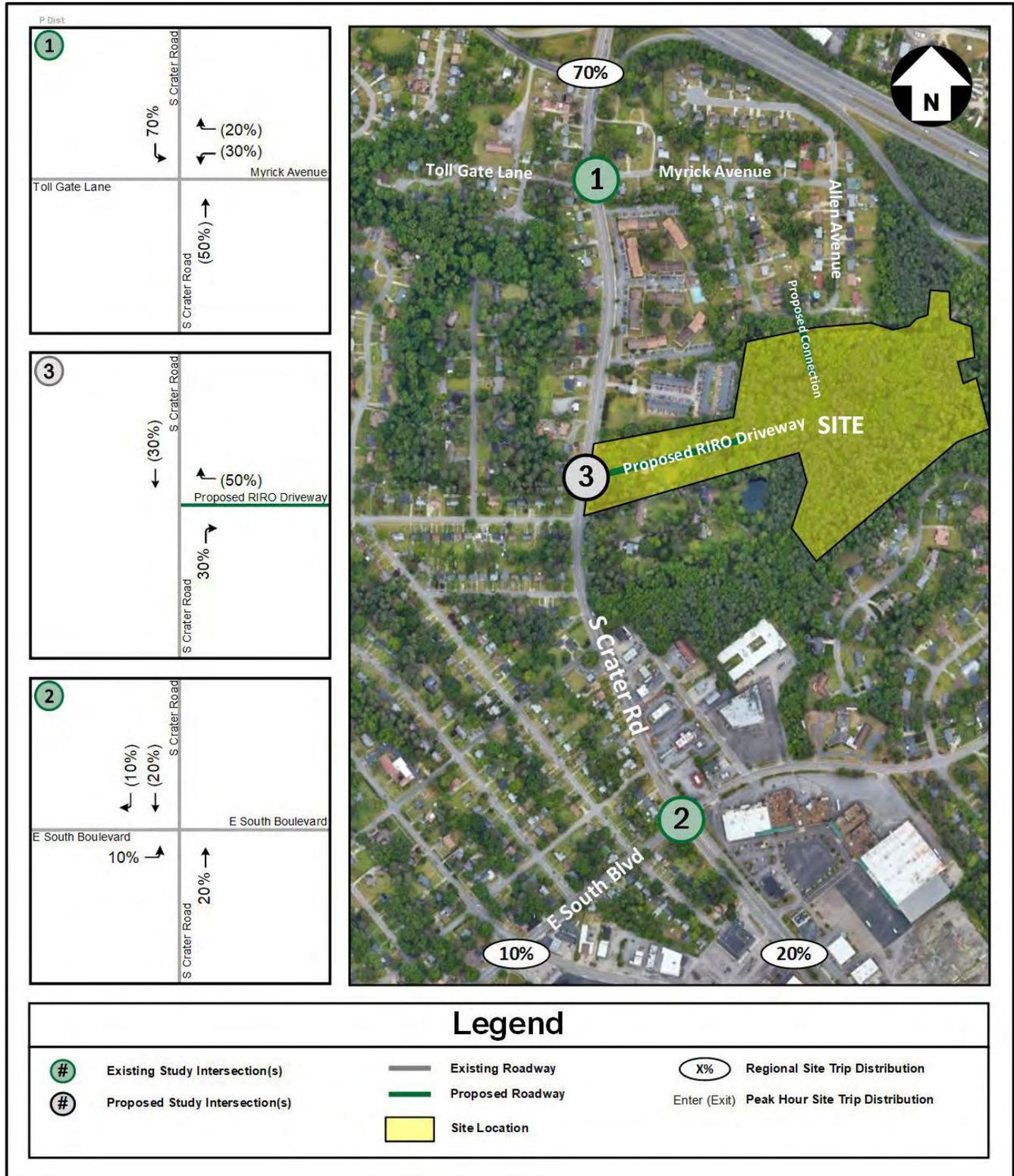


Figure 6: Site Trip Distribution

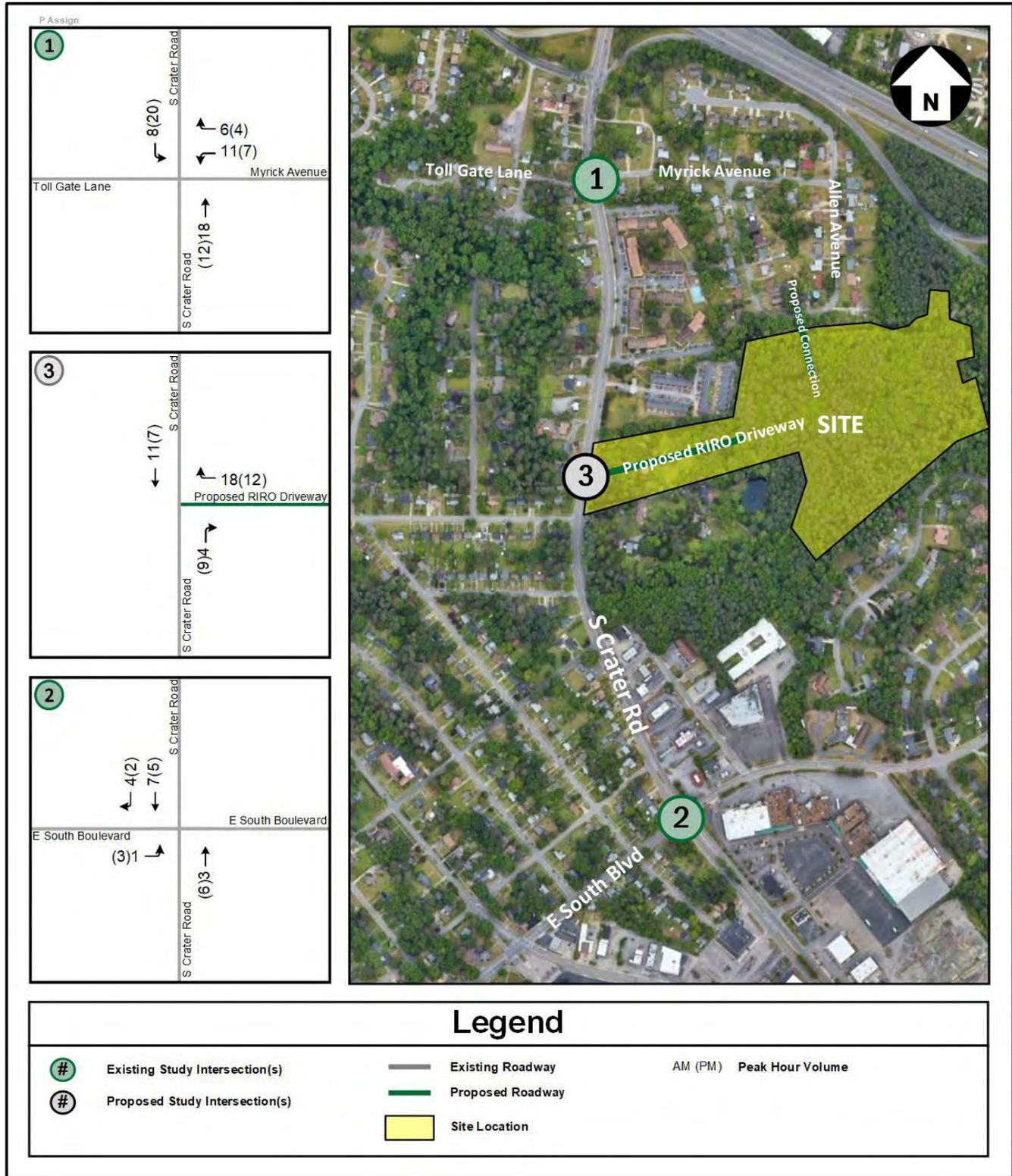


Figure 7: Site Trip Assignment

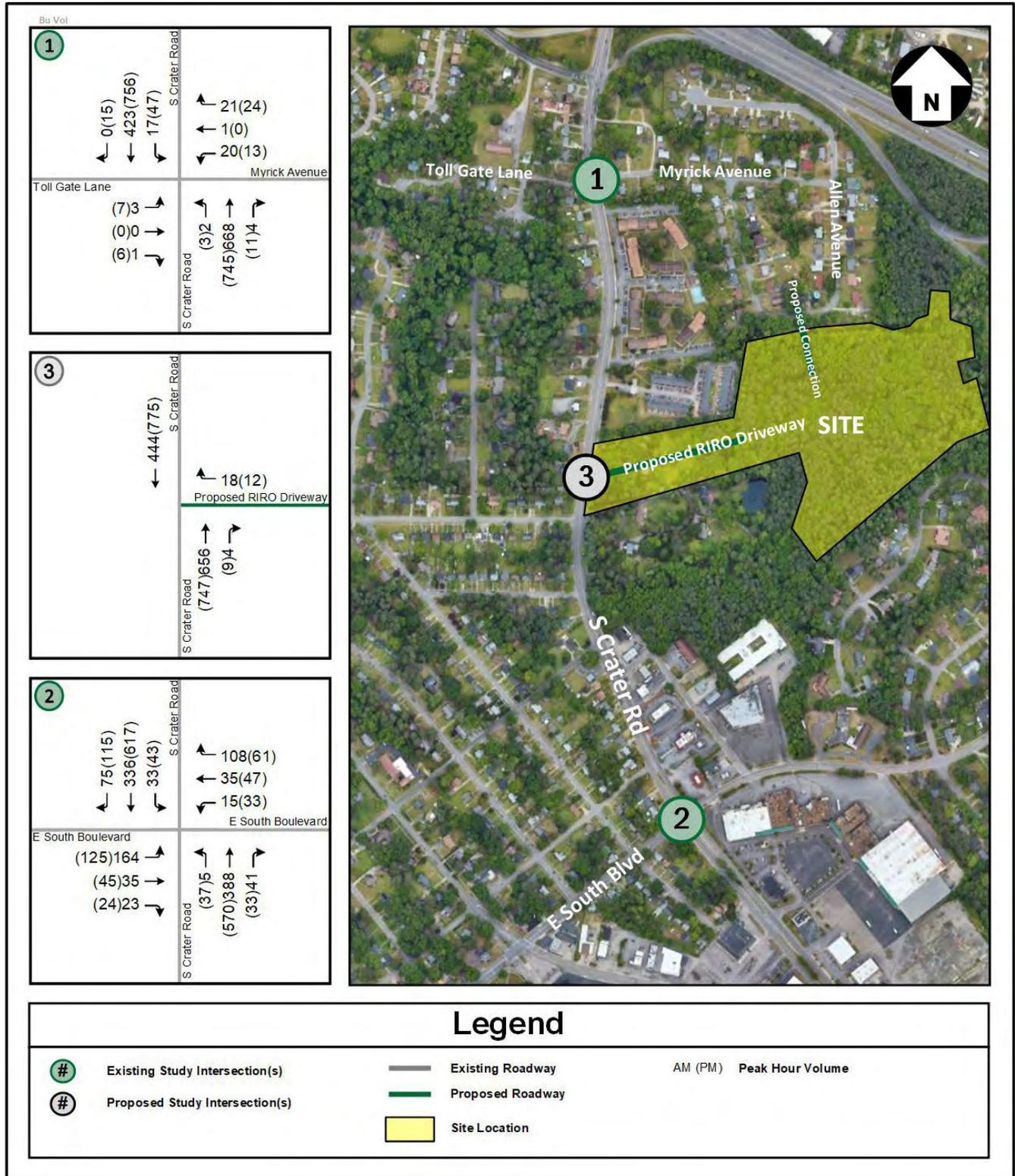


Figure 8: Build (2029) AM and PM Peak Hour Traffic Volumes

## Turn Lane Warrant Analysis

Turn lane warrants were evaluated for the proposed right-in / right-out driveway based on VDOT's Access Management Standards Appendix F. The turn lane warrant results are summarized in Table 3, and the turn lane warrant graphs are included in the Appendix.

**Table 3: Turn Lane Warrant Results**

Analysis Scenario	Turning Movement	Treatment
<b>S Crater Road at RIRO Site Driveway</b>		
2029	NBR	Not Warranted (AM & PM)

## Traffic Capacity Analysis

### Capacity Analysis Procedure

Capacity analyses were performed at the study intersections during the weekday AM and PM peak hours. Synchro Version 11 was used to analyze the study intersections based on the Highway Capacity Manual (HCM) methodology and include level of service, delay, and queue length comparisons for the turning movements analyzed. For the purpose of this analysis, a peak hour factor of 0.92 was used for the study intersections only if existing PHF was less than 0.92. Otherwise, existing PHF was used. The Synchro and SimTraffic outputs are included in the Appendix.

### Capacity Analysis Results

For unsignalized intersections, the average delays for the minor street left-turn movements are described as short delays (less than 25 seconds), moderate delays (between 25 and 50 seconds), and long delays (greater than 50 seconds). It is common for side street movements and left turns to experience long delays during the peak hours at intersections with major thoroughfares. Capacity analysis results are summarized in Table 4 through Table 6.

Table 4 shows the LOS, average delay, and queue lengths for the signalized intersection of S. Crater Road at Myrick Avenue / Toll Gate Lane. The results shown are based on HCM 6<sup>th</sup> methodology.

**Table 4: Capacity Analysis Results – S. Crater Road at Myrick Avenue / Toll Gate Lane (Intersection 1)**

Analysis Scenario	Lane Group	Full-Width Storage Length (ft.)	AM Peak Hour				Overall	PM Peak Hour			
			LOS	Delay (sec/veh)	95th % Queue (ft.)	Avg. Max Queue (ft.)		LOS	Delay (sec/veh)	95th % Queue (ft.)	Avg. Max Queue (ft.)
			Synchro		SimTraffic			Synchro		SimTraffic	
Existing 2025 Traffic Conditions	EBL/T/R	-	B	11.2	1	24	A□ 3.9 (s)	B	12.1	8	28
	WBL/T/R	-	B	12.2	16	63		B	12.3	16	35
	NBL/T/R	-/-	A	3.9	84	114		A	4.4	100	147
	SBL/T/R	-/-	A	3.6	54	89		A	4.5	111	139
No Build 2029 Traffic Conditions	EBL/T/R	-	B	11.2	1	19	A□ 4.0 (s)	B	12.5	8	33
	WBL/T/R	-	B	12.2	17	60		B	12.7	16	42
	NBL/T/R	-/-	A	4	88	123		A	4.4	105	144
	SBL/T/R	-/-	A	3.6	56	104		A	4.6	116	151
Build 2029 Traffic Conditions	EBL/T/R	-	B	10.5	2	22	A□ 5.0 (s)	B	12.6	8	28
	WBL/T/R	-	B	12.2	21	85		B	12.9	23	62
	NBL/T/R	-/-	A	4.9	94	127		A	4.9	106	150
	SBL/T/R	-/-	A	4.5	60	112		A	5.2	123	147

Based on the capacity analysis, the intersection currently operates at LOS A during the AM and PM peak hours. Under no-build conditions, the intersection is expected to continue to operate at LOS A during the AM and PM peak hours.

Under build conditions, the intersection is expected to continue to operate at LOS A during the AM and PM peak hours.

The proposed townhomes are expected to increase the total approach volume at this intersection by less than 4% in the AM peak hour, and less than 3% in the PM peak hour (Figure 7 divided by Figure 5).

No improvements are warranted or recommended at build-out of the neighborhood.

Table 5 shows the LOS, average delay, and queue lengths for the signalized intersection of S. Crater Road at E. South Boulevard. The results shown are based on HCM 6<sup>th</sup> methodology.

**Table 5: Capacity Analysis Results – S. Crater Road at E. South Boulevard (Intersection 2)**

Analysis Scenario	Lane Group	Full-Width Storage Length (ft.)	AM Peak Hour				PM Peak Hour					
			LOS	Delay (sec/veh)	95th % Queue (ft.)	Avg. Max Queue (ft.)	Overall	LOS	Delay (sec/veh)	95th % Queue (ft.)	Avg. Max Queue (ft.)	Overall
			Synchro			SimTraffic		Synchro			SimTraffic	
Existing 2025 Traffic Conditions	EBL	200	C	31.8	130	167	B 20.0 (s)	C	28.1	116	142	C 20.5 (s)
	EBT/R	-	B	18.4	42	92		C	20.2	57	92	
	WBL	125	C	32.8	24	39		C	30.8	45	63	
	WBT/R	-	C	26.7	64	125		C	25.3	75	128	
	NBL	175	D	41.2	12	47		C	30.6	48	81	
	NBT/R	-/-	B	17.2	130	150		B	18.2	178	181	
	SBU/L	125	C	30.4	40	56		C	30.2	53	100	
	SBT/R	-/-	B	14.5	115	121		B	18.8	216	194	
No Build 2029 Traffic Conditions	EBL	200	C	31.9	139	180	C 20.3 (s)	C	29.1	122	146	C 20.7 (s)
	EBT/R	-	B	18.4	44	129		C	20.8	60	87	
	WBL	125	C	32.8	25	53		C	31.2	47	71	
	WBT/R	-	C	27.2	66	136		C	25.9	79	138	
	NBL	175	D	41.4	12	40		C	31.1	50	78	
	NBT/R	-/-	B	17.5	136	150		B	18.3	188	161	
	SBU/L	125	C	30.5	42	48		C	30.6	56	94	
	SBT/R	-/-	B	14.7	120	108		B	18.9	228	192	
Build 2029 Traffic Conditions	EBL	200	C	31.9	140	175	C 20.3 (s)	C	29.4	127	158	C 20.7 (s)
	EBT/R	-	B	18.4	44	123		C	21	62	114	
	WBL	125	C	32.8	25	53		C	31.4	47	74	
	WBT/R	-	C	27.2	66	149		C	26.1	80	145	
	NBL	175	D	41.5	12	37		C	31.2	51	90	
	NBT/R	-/-	B	17.6	136	142		B	18.3	191	196	
	SBU/L	125	C	30.5	42	58		C	30.7	57	100	
	SBT/R	-/-	B	14.8	124	132		B	18.9	231	215	

Based on the capacity analysis, the intersection currently operates at LOS B during the AM peak hour and LOS C during the PM peak hour. Under no-build conditions, the intersection is expected to operate at LOS C during the AM and PM peak hours.

Under build conditions, the intersection is expected to continue to operate at LOS C during the AM and PM peak hours.

The proposed townhomes are expected to increase the total approach volume at this intersection by just 1% in the AM and PM peak hours (Figure 7 divided by Figure 5).

No improvements are warranted or recommended at build-out of the neighborhood.

Table 6 shows the LOS, average delay, and queue lengths for the unsignalized intersection of S. Crater Road at Proposed Right-in / Right-out Driveway. The results shown are based on HCM 6<sup>th</sup> methodology.

**Table 6: Capacity Analysis Results – S. Crater Road at Proposed Right-in / Right-out Driveway (Intersection 3)**

Analysis Scenario	Lane Group	Full-Width Storage Length (ft.)	AM Peak Hour				PM Peak Hour					
			LOS	Delay (sec/veh)	95th % Queue (ft.)	Avg. Max Queue (ft.)	Overall	LOS	Delay (sec/veh)	95th % Queue (ft.)	Avg. Max Queue (ft.)	Overall
Build 2029 Traffic Conditions	WBR	-	B	10.8	2.5	42	N/A	B	11.2	2.5	31	N/A
	NBT/R	-/-	-	-	-	-	-	-	-	-	-	-
	SBT	-/-	-	-	-	-	-	-	-	-	-	-

Based on the capacity analysis, under build conditions, the minor street right-turn movement is expected to operate with short delays, with the following improvements:

- Construct the right-in / right-out driveway with one ingress lane and one egress lane

---

## Impact to Allen Avenue

The proposed development plan includes one cross-access connection to Allen Avenue because the City requires at least two access points for 101 residential units. Allen Avenue connects Elliott Avenue and King Avenue, and there are only four lots with driveways on Allen Avenue, so the roadway likely carries less than 50 vehicles per day. The pavement is approximately 28 feet wide, and there are parked vehicles on both sides of Allen Avenue on a regular basis.

Due to sight distance restrictions on King Avenue, the proposed cross-access to Allen Avenue will be partial access – right-in / right-out / left-in. If 70% of the inbound trips travel on Elliott Avenue, and 50% of the outbound trips travel on King Avenue, then that will add 232 vehicles per day to Allen Avenue (70% of 332 inbound trips). According to VDOT's Appendix B – Subdivision Street Design Guide, two-lane neighborhood roadways have a capacity of approximately 4,000 vehicles per day. Therefore, the total daily volume on Allen Avenue will be less than 300 vehicles per day, which is less than 10% of the roadway capacity.

VDOT requires at least 225 feet of sight distance in both directions for drivers turning onto a two-lane roadway with a design speed of 20 mph. The proposed cross-access road has been located to meet this standard for northbound drivers looking to the west, and their sight line is shown on the site plan. To achieve the minimum sight distance to the west, on-street parking needs to be prohibited along a portion of the south side of Allen Avenue.

Based on a recent site visit, the pavement condition of Allen Avenue is poor in some areas near the proposed cross-access connection. The applicant is proposing to mill and overlay Allen Avenue for 200 feet in both directions from the centerline of the proposed cross-access road to repair the existing pavement.

## Collision Data Analysis

At the request of the City, a collision data analysis was conducted for the following intersections:

1. South Crater Road at Myrick Avenue / Toll Gate Lane
2. South Crater Road at East South Boulevard

Historical collision data was obtained from VDOT’s Crash Analysis Tool within a 250-foot radius at each study intersection extending back 5 years from the most recent collision. A collision data summary for the study intersections is shown in Table 7.

**Table 7: Historical Collision Data Summary**

Intersection	Approximate ADT	PDO	IC	Fatality	Total	Crash Rate (Per MEV)
1 S Crater Road at Myrick Avenue / Toll Gate Lane	20,000	11	6	0	17	0.47
2 S Crater Road at E South Boulevard	20,000	7	6	0	13	0.36

The intersection collision rate was computed using the following formula and was calculated as collisions per one million entering vehicles (MEV).

$$Rate_{intersection} = \frac{1,000,000 * \# \text{ of Crashes}}{\# \text{ of Years} * 365 \left(\frac{\text{days}}{\text{yr}}\right) * ADT_{approach}}$$

It should be noted that according to the ITE Transportation Impact Analysis for Site Development, a collision rate of 1.0 MEV or greater is an indication that further study may be required. A rate of over 1.0 MEV does not necessarily suggest there is a significant problem at an intersection, but rather it is a threshold used to identify which intersections may have an elevated collision rate due to operational, geometric, or other deficiencies. Based on the collision rates, the intersections of S Crater Road at Myrick Avenue / Toll Gate Lane and S Crater Road at E South Boulevard are not considered to be high hazard locations.

### Intersection Collision Data

The following tables provide detailed reported collision data for the existing study intersections:

**Table 8: VDOT Collision Data for S Crater Road at Myrick Avenue / Toll Gate Lane**

Crash Data for the Intersection of S Crater Road and Myrick Avenue / Toll Gate Lane (May 2020 - April 2025)								
Intersection Crash Analysis	2020	2021	2022	2023	2024	2025	Total	Relative Frequency
<b>Crash Severity</b>								
Fatal Collision (Type K)								0.00%
Injury Collision (Type A, B, and C)	1		1	1	3		6	35.29%
Type A	1						1	
Type B			1		3		4	
Type C				1			1	
Property Damage Only (Type PDO)		3	2	1	4	1	11	64.71%
<b>TOTAL*</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>7</b>	<b>1</b>	<b>17</b>	<b>100.00%</b>
<b>Crash Type</b>								
Fixed Object/ Single-Vehicle Crash	1	1					2	11.76%
Head-On			1				1	5.88%
Sideswipe / Same Direction					2		2	11.76%
Sideswipe / Opposite Direction					1		1	5.88%
Rear-End Collision		2	1	1	2		6	35.29%
Angle Collision			1	1	1	1	4	23.53%
Backed Into								0.00%
Pedestrian Collision								0.00%
Deer/Animal								0.00%
Other					1		1	5.88%
<b>TOTAL*</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>7</b>	<b>1</b>	<b>17</b>	<b>100.00%</b>
<b>Other Factors</b>								
Distracted Driver								0.00%
Alcohol**	1		1				2	11.76%
Work-Zone								0.00%
Inclement Weather (Non-Dry)			1		1		2	11.76%
Speeding	1		1		1		3	17.65%
Pedestrian Injury***								N/A
Occupant Unrestrained		1			1		2	11.76%
Drowsy / Fatigued Driver								0.00%
Drug Related								0.00%
Hit-and-Run		1			1		2	11.76%
Young Driver Involved			1				1	5.88%
Old Driver Involved								0.00%
Roadway Departure Crash								0.00%
Large Truck		1				1	2	11.76%
Motorcycle								0.00%
<b>Time of Day</b>								
AM Peak Period (6 - 10 AM)					4		4	23.53%
Off Peak - Daytime (10 AM - 3 PM)		2		1	1		4	23.53%
PM Peak Period (3 - 7 PM)			2	1	2	1	6	35.29%
Off Peak - Nighttime (7 PM - 6 AM)	1	1	1				3	17.65%
<b>CALCULATED CRASH RATE****</b>							<b>0.47</b>	<b>Crashes per MEV</b>

\* It should be noted that an intersection radius of 250 feet was used in this analysis. Crashes also thought to be caused by the intersection may have been added based on the description of the crash and engineering judgement.

\*\* Instances where the event was classified as "Unknown", "Not Known Whether Impaired", "Ability Not Impaired" were classified as alcohol related to provide a more conservative analysis.

\*\*\* Pedestrian injuries are based on the number of pedestrians injured and may not be directly related to the number of crash incidences (i.e., if one crash occurred injuring two pedestrians, the table would show a "2" instead of a "1").

\*\*\*\*Crash rate based on an approximated 20000 ADT.

According to VDOT's on-line collision database, there have been 17 collisions within 250 feet of the Myrick Avenue / Toll Gate Lane intersection between May 2020 and April 2025. Six collisions resulted in an injury, and 11 collisions were property damage only. There were six rear-end collisions and four angle collisions, which are typical at signalized intersections. However, the intersection currently has a collision rate of just 0.47 collisions per MEV, which does not warrant further study.

**Table 9: VDOT Collision Data for S Crater Road at E South Boulevard**

Crash Data for the Intersection of S Crater Road and E South Boulevard (June 2020 - May 2025)								
Intersection Crash Analysis	2020	2021	2022	2023	2024	2025	Total	Relative Frequency
<b>Crash Severity</b>								
Fatal Collision (Type K)								0.00%
Injury Collision (Type A, B, and C)		1	2		2	1	6	46.15%
Type A								
Type B			2		2	1	5	
Type C		1					1	
Property Damage Only (Type PDO)			2	2	2	1	7	53.85%
<b>TOTAL*</b>		<b>1</b>	<b>4</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>13</b>	<b>100.00%</b>
<b>Crash Type</b>								
Fixed Object/ Single-Vehicle Crash			1				1	7.69%
Head-On								0.00%
Sideswipe / Same Direction			1				1	7.69%
Sideswipe / Opposite Direction								0.00%
Rear-End Collision		1			1	2	4	30.77%
Angle Collision			1	2	2		5	38.46%
Backed Into			1				1	7.69%
Pedestrian Collision								0.00%
Deer/Animal								0.00%
Other					1		1	7.69%
<b>TOTAL*</b>		<b>1</b>	<b>4</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>13</b>	<b>100.00%</b>
<b>Other Factors</b>								
Distracted Driver								0.00%
Alcohol**			1		1		2	15.38%
Work-Zone								0.00%
Inclement Weather (Non-Dry)			1			1	2	15.38%
Speeding			1				1	7.69%
Pedestrian Injury**								N/A
Occupant Unrestrained			1		1		2	15.38%
Drowsy / Fatigued Driver								0.00%
Drug Related			1				1	7.69%
Hit-and-Run			1	1			2	15.38%
Young Driver Involved								0.00%
Old Driver Involved			1		1		2	15.38%
Roadway Departure Crash								0.00%
Large Truck								0.00%
Motorcycle								0.00%
<b>Time of Day</b>								
AM Peak Period (6 - 10 AM)			2				2	15.38%
Off Peak - Daytime (10 AM - 3 PM)		1		1	1	1	4	30.77%
PM Peak Period (3 - 7 PM)				1	1		2	15.38%
Off Peak - Nighttime (7 PM - 6 AM)			2		2	1	5	38.46%
<b>CALCULATED CRASH RATE****</b>							<b>0.36</b>	<b>Crashes per MEV</b>

\* It should be noted that an intersection radius of 250 feet was used in this analysis. Crashes also thought to be caused by the intersection may have been added based on the description of the crash and engineering judgement.

\*\* Instances where the event was classified as "Unknown", "Not Known Whether Impaired", "Ability Not Impaired" were classified as alcohol related to provide a more conservative analysis.

\*\*\* Pedestrian injuries are based on the number of pedestrians injured and may not be directly related to the number of crash incidences (i.e., if one crash occurred injuring two pedestrians, the table would show a "2" instead of a "1").

\*\*\*\*Crash rate based on an approximated 20000 ADT.

According to VDOT’s on-line collision database, there have been 13 collisions within 250 feet of the E. South Boulevard intersection between June 2020 and May 2025. Six collisions resulted in an injury, and 7 collisions were property damage only. There were four rear-end collisions and five angle collisions, which are typical at signalized intersections. However, the intersection currently has a collision rate of just 0.36 collisions per MEV, which does not warrant further study.

---

## Recommendations

Based on the results of the traffic capacity analysis, the following roadway improvements are recommended to mitigate the build 2029 traffic conditions:

S. Crater Road at Proposed Right-in / Right-out Driveway:

- Construct the right-in / right-out driveway with one ingress lane and one egress lane

Cross-Access Connection to Allen Avenue:

- Construct the access road with one ingress lane and one egress lane
- Channelize the access road with a raised island to make the northbound egress lane right-turn only
- Install signage to prohibit on-street parking along the south side of Allen Avenue west of the access road as necessary to maintain adequate sight distance for drivers making the northbound right-turn movement
- Mill and overlay Allen Avenue for 200 feet in both directions from the centerline of the proposed driveway

Figure 9 shows the recommended lane configuration.

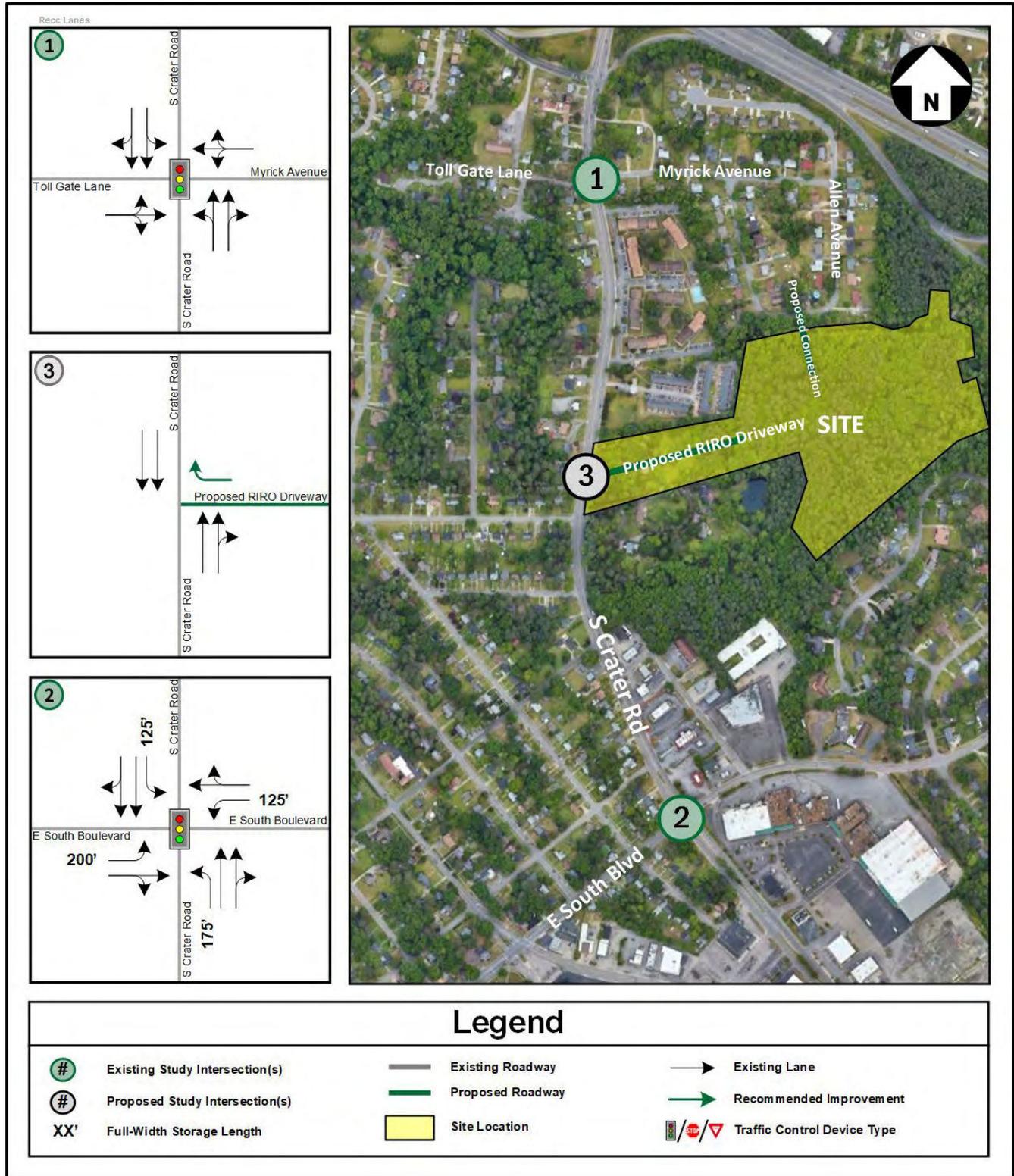
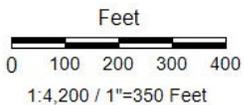
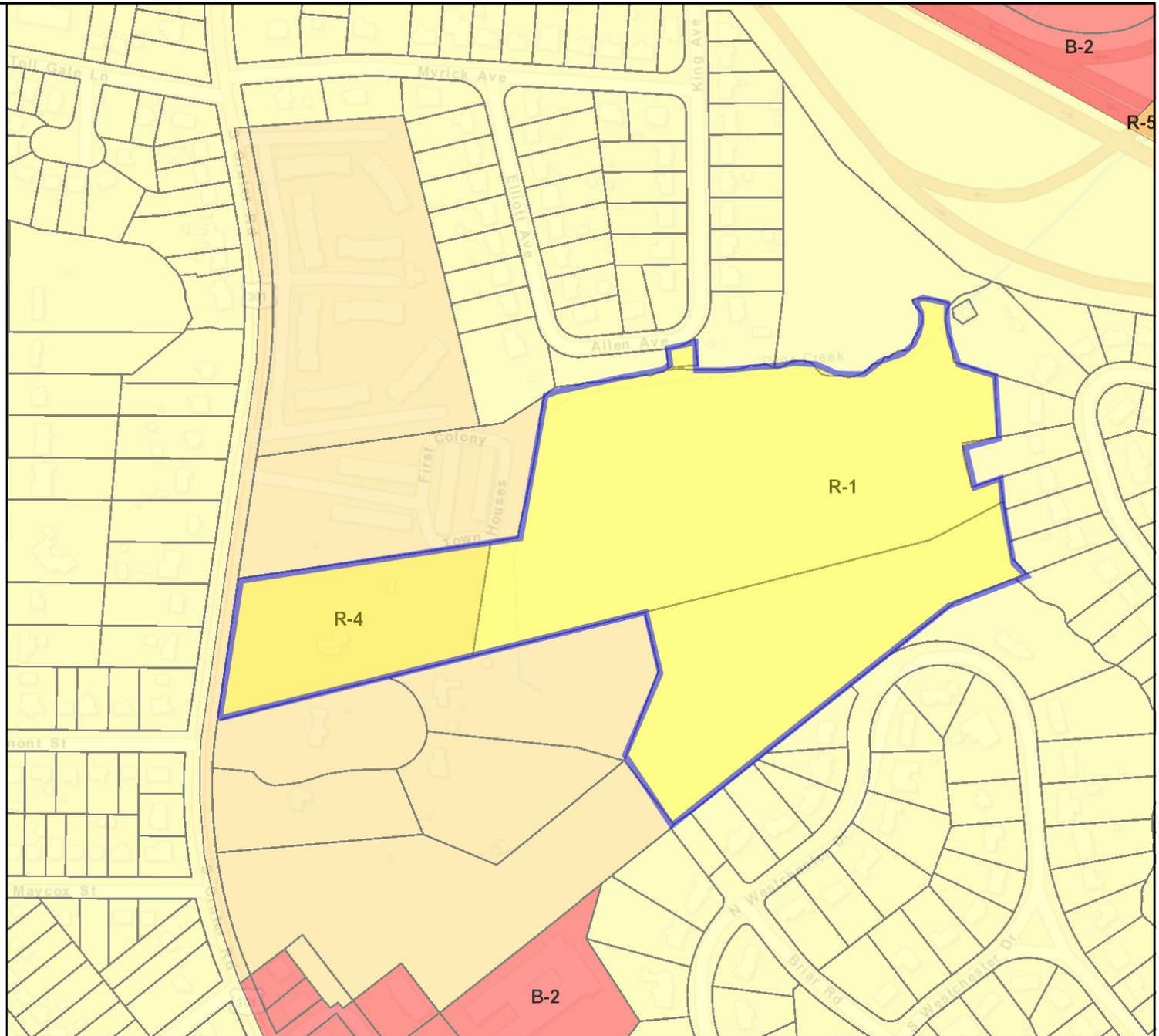


Figure 9: Recommended Lane Configuration

# Petersburg, Virginia

## Legend

- City Boundary
- Parcels
- Zoning**
- A
- B-1
- B-2
- B-2 (C)
- B-3
- B-3 (C)
- ERC
- M-1
- M-1 (C)
- M-2
- MXD1
- MXD2
- MXD3
- PUD
- R-1
- R-1 (C)
- R-1A
- R-1A (C)
- R-2
- R-3
- R-4
- R-5
- R-5 (C)
- R-6
- RB
- RMH
- RTH
- RTH (C)

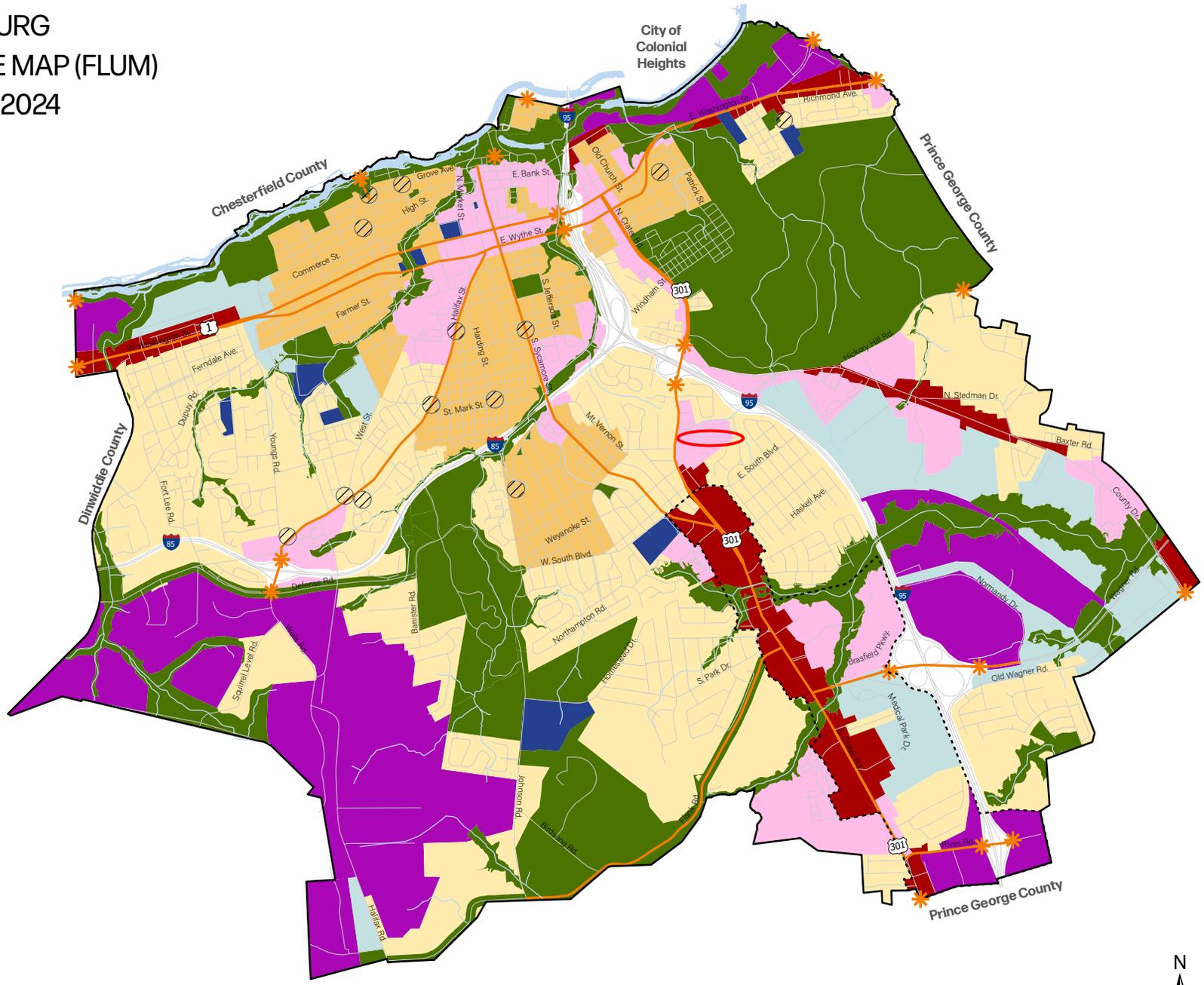


**Title:**

**Date:** 9/22/2025

*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.*

**CITY OF PETERSBURG  
FUTURE LAND USE MAP (FLUM)  
ADOPTED MAY 21, 2024**



**LEGEND**

- City Limits
- Roads
- Appomattox River
- Waterways
- - - South Crater Urban Development Area (UDA)
- Historic Core Neighborhoods
- Community Residential
- Neighborhood Commercial
- Community Mixed-Use
- Corridor Commercial
- Research and Development
- General Industrial
- Civic
- Conservation and Recreation
- Gateways
- Corridors



## **ARTICLE 12. "RTH" RESIDENTIAL TOWN HOUSE DISTRICT REGULATIONS**

### **Section 1. [Purpose.]**

The regulations set forth in this article, or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the "RTH" Residential Town House District.

### **Section 2. Use regulations.**

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

- (1) Any use permitted in the "R-I A" Single-Family Residence District;
- (2) Town houses for sale;
- (3) Swimming pools, recreational and athletic facilities, community buildings and other similar related improvements for the common use of occupants of the development, and their guests.

### **Section 3. Height, area and bulk regulations.**

The height, area and bulk requirements shall be as set forth in the chart of article 22 of this ordinance, especially the following:

- (1) *Area and density.* The area and density of development of town houses for sale shall not exceed twenty (12) units per acre;
- (2) *Frontage.*
  - (a) A minimum lot frontage, measured at the setback line, of fifteen (15) feet shall be provided;
  - (b) All town house units, except end units and those on corner lots, shall occupy the full width of the lot on which they are constructed;
  - (c) Town house lots may front on a dedicated street or public access easements containing roadways, walkways or both;
- (3) *Front yards.* The front yard setback for town houses shall be a minimum of fifteen (15) feet from project drives and walkways, twenty-five (25) feet minimum from secondary residential streets, and thirty-five (35) feet from all other streets;
- (4) *Side yards.* Town houses on ends of groups shall have a minimum side yard of fifteen (15) feet, and for town houses at corners, the side yard shall be a minimum of twenty (20) feet;
- (5) *Rear yards.* Town houses shall have a minimum rear yard of thirty (30) feet;
- (6) *Building height.* Town houses shall have a maximum building height of thirty-five (35) feet.

### **Section 4. Off-street parking regulations.**

There shall be a minimum of two (2) off-street parking spaces provided for each dwelling unit in the town house development. Required parking shall be provided on individual lots, or within common parking areas, or along common drives, or on internal dedicated streets. If parking is provided in front or rear yards, each space shall

---

be at least twenty (20) feet in depth, and located in such manner that no part of any parked vehicles will extend over the property line.

**Section 5. Architectural treatment.**

There shall be at least three (3), but no more than twelve (12) town house dwelling units continuously connected. If streets, drives or walkways do not intervene, there shall be an open space of at least thirty (30) feet between [one series of town houses and] the next series of town house units.

Not more than four (4) abutting town houses shall have the same, or essentially the same, architectural facades and treatment of facing materials, and not more than three (3) abutting town houses shall have the same front and rear setbacks. Such variations may be achieved by variations in colors, material textures or sculptural effect. Minimum setback offset shall be one foot.

**Section 6. Party wall.**

A party wall shall separate each town house unit, and have a minimum nominal thickness of eight (8) inches, and be constructed of noncombustible material, and said wall shall be carried tightly to the underside of the roof construction.

**Section 7. Accessory buildings.**

Accessory buildings may be located in rear yards only, and shall not occupy over twenty-five (25) percent thereof, and shall be located not less than eight (8) feet from a rear lot line, nor closer than three (3) feet to a side lot line.

**Section 8. Common areas.**

In the event common areas are provided, which are not contained in lots or streets conveyed to individual owners, said common areas shall be maintained by and be the sole responsibility of the developer-owner of the town house development, until such time as the developer-owner conveys such areas to a nonprofit corporate owner, whose members shall be all of the individual owners of town houses in the town house development. Said land shall be conveyed to, and be held by, said nonprofit corporate owner of the individual town house lots in the town house development. In the event of such conveyance by the developer-owner to a nonprofit corporate owner, deed restrictions and covenants, in form and substance satisfactory to the city attorney of the City of Petersburg, Virginia, shall provide, among other things, that any assessments, charges and costs of the maintenance of such common areas shall constitute a pro rata lien upon the individual town house lots, inferior in lien and dignity only to taxes and bona fide duly recorded first deeds of trust on each town house lot.

## COMMUNITY MIXED-USE

Community mixed-use areas are centers of commerce and amenities for Petersburg residents and visitors alike. These areas are walkable, dense, and interconnected environments of entertainment, shopping, personal services, restaurants, hotels, offices, the arts, and residential uses. While the footprint of community mixed-use areas should not expand in a manner that overwhelms or endangers historic core neighborhoods or conservation areas, their use and intensity may expand in ways that are compatible with Petersburg's historic and architectural character and urban form. Community mixed-use areas are appropriate areas for commercial uses that are pedestrian-oriented, enhance a vibrant street life, and contribute to Petersburg's overall economy. These areas should also integrate pocket parks, street trees, and urban gardens to promote an aesthetically pleasing streetscape and promote air quality and temperature reductions within identified heat islands.

In some community-mixed use areas, such as Old Towne, there may be few opportunities for new development. Therefore, adaptive reuse and infill are most likely to occur and be most appropriate given the historic context of the area. Any investment, however, should ensure the preservation of historic structures

and continue the architectural character of the surrounding area. Renovations, infill, and new construction within designated Local Historic Districts should conform to the Historic District Design Guidelines and decisions of the ARB. Where development and redevelopment occur within a quarter of a mile of a designated historic district, but are not regulated under historic district overlays, adherence to the City's Historic District Design Guidelines should be considered.

### **Primary Land Uses**

- Adaptive reuse
- Infill development
- Community hubs
- Hospitality-oriented uses (e.g., hotels, boutiques, galleries, restaurants)
- Live-work units
- Medical clinics (e.g., dentists, doctors, therapists)
- Multi-family residential dwellings
- Offices
- Parks and recreational spaces
- Personal services (e.g., hair salons, laundromats, pharmacies)
- Places of worship
- Small commercial (e.g., banks, specialty food stores)
- Small-scale manufacturing (e.g., makers' spaces, studios, microbreweries)
- Uses compatible with Fort Gregg-Adams



### **Planning + Development Principles**

- Compact development patterns, including cluster and traditional neighborhood development, are encouraged.
- Connect existing and established new trails, bicycle routes, and other recreational amenities.
- Incorporate use of public art, amenities (i.e., benches, trash cans, street trees), and wayfinding signage to orient visitors and create a sense of place.
- Implement traffic calming measures.
- Incorporate high-quality materials for all buildings.
- Open space should be integrated and provide for community spaces well-defined by streets and adjacent buildings.
- Preservation, renovation, reuse, and adaptive use of existing structures is encouraged.
- Preserve the existing tree canopy wherever possible and include native plantings when new landscaping is necessary.

<b>Address</b>	<b>Owner</b>	<b>Mailing Address</b>	<b>City, State, Zip</b>
1822 Buckner St	Audrey Jones	1822 Buckner St	Petersburg, VA 23805
1034 King Ave	Charles and Tammy Catenese	1034 King Ave	Petersburg, VA 23805
1940 N Westchester Dr	Claristine J Moore	1940 N Westchester Dr	Petersburg, VA 23805
1655 S Crater Rd	CRS Petersburg HSG Corp	8301 Richmond Hwy	Alexandria, VA 22309
1687 S Crater Rd	David and Pauline Elliott	1687 S Crater Rd	Petersburg, VA 23805
1752 Buckner St	Donald Schroeder	1752 Buckner St	Petersburg, VA 23805
1683 S Crater Rd, 1055 King Ave, 1681 S Crater Rd	Elizabeth Hale	7271 Spotswood Trail	Standardsville, VA 22973
1689 S Crater Rd, 1801 S Crater Rd	Jack and Naoki Hisey	1689 S Crater Rd	Petersburg, VA 23805
1916 N Westchester Dr	Jakeela Wilson	1916 N Westchester Dr	Petersburg, VA 23805
435 Claremont St	James Mayfield	435 Claremont St	Petersburg, VA 23805
775, 778 Allen Ave	Jeroyd Greene	775 Allen Ave	Petersburg, VA 23805
1685 S Crater Rd	John and Stephanie Willinger	1685 S Crater Rd	Petersburg, VA 23805
1910 N Westchester Dr	John Powell et al	109 Tutters Neck Rd	Williamsburg, VA 23185
1746 Buckner St	Lawrence and Betty Oliver	1746 Buckner St	Petersburg, VA 23805
1835 N Westchester Dr	Michael B Clay, Jesse D Clay	1502 Lothbury Ln	Henrico, VA 23238
1934 N Westchester Dr	Michele Richardson Revocable Living T	1934 N Westchester Dr	Petersburg, VA 23805
1019 King Ave	Newton Clements, Joyce Clements	1468 Hickory Hill Rd	Petersburg, VA 23803
1810 Buckner St	Pamela and Donald Parham	1810 Buckner St	Petersburg, VA 23805
1047 King Ave	Patrice and Rodney Williams	1047 King Ave	Petersburg, VA 23805
1841 N Westchester Dr	Paul Joyner	1841 N Westchester Dr	Petersburg, VA 23805
1048 Elliott Ave	Regina Tyler	1048 Elliott Ave	Petersburg, VA 23805
1680 S Crater Rd	Reshea Thompson	1680 S Crater Rd	Petersburg, VA 23805
1922 N Westchester Dr	Robert and Lillian Graves	1922 N Westchester Dr	Petersburg, VA 23805
1664 S Crater Rd	Robert McKeever	1664 S Crater Rd	Petersburg, VA 23805
1740 Buckner St	Robert Small et al	1740 Buckner St	Petersburg, VA 23805
1841 S Westchester Dr	Robin Cohen et al	1841 S Westchester Dr	Petersburg, VA 23805
1804 Buckner St	Roosevelt Washington	1804 Buckner St	Petersburg, VA 23805
1946 N Westchester Dr	Steven and Alfreda Payne	1946 N Westchester Dr	Petersburg, VA 23805
1816 Buckner St	Taffare and Kimberly Morgan	1816 Buckner St	Petersburg, VA 23805
1958 N Westchester Dr	Tyler Givens	109 Peter Francisco Dr	Hopewell, VA 23860
1672 S Crater Rd	Yolona Hampton	1672 S Crater Rd	Petersburg, VA 23803

## Response to the Rezoning Request 2025-REZ-05

This document is submitted in opposition to the rezoning request 2025-REZ-05. Our property at 1687 S. Crater Rd. adjoins the property whose owners are requesting rezoning. Rationales for opposition are listed below:

1. The Petersburg Next Comprehensive Plan, approved in 2024, is the blueprint for planning and development moving forward as we strive to achieve the stated vision for the revitalization of the city of Petersburg. This proposal for rezoning does not align with multiple stated objectives in this comprehensive plan. Areas of concern are as follows (cross mapped to the comprehensive plan's objectives and statements):
  - a) Obj 8.5.1 combatting heat island effects – this land parcel and much of the single dwelling sites surrounding it are heavily canopied with mature trees and other forms of foliage. To develop it into up to 120 multi-housing units removes the overwhelming majority of forestation on this 26-acre parcel. This is one of the largest forested areas within the city limits. Currently the city is actively pursuing “re-treeing” vulnerable areas. If there is a need and desire to pursue this type of multi-housing development, there are many already cleared and non-pervious ground surfaces areas that could be selected without negatively impacting a tremendous existing natural resource.
  - b) Obj 9.1 - roadways /impact on public safety – the rezoning proposal has its entry and exit on S. Crater Rd. This roadway is a principal arterial, already heavily traveled daily (in the top 3), in poor surface condition and without a meaningful medium. This section of S. Crater Rd. is listed in the comprehensive plan as one of the leading sites of serious vehicle accidents. There are higher priority projects planned for the limited infrastructure improvement budget prior to addressing this roadway's needs. Adding more high-density housing units will exacerbate the wear and tear, as well as more importantly, the potential property and physical harm to those traveling this route. To handle this influx of users safely would require redesign of this currently critical roadway, likely including turn lanes, all of which is cost prohibitive at this time.
  - c) Obj. 4.2.1 Promoting “missing middle” housing – the proposal is asking to rezone an area that **already** has a contiguous apartment complex with an adjoining town home complex that offers 188 units of multi- housing types. Unfortunately, in very close proximity, are multiple motels housing individuals and families long term. In researching “missing middle” housing, it speaks to careful site selection and promotes using repurposed sites and

infilling tear downs that do not have historic significance or those historically or architecturally appropriate for rehab. **Important to note** – per multiple recent online resources, this housing concept is significantly purchased, not by “prospective homeowners”, but by investors (both individuals and businesses) and subsequently become just another rental property. Thus, they do not significantly mitigate the affordability or availability issues deterring home ownership. Instead, they become attractive targets for investors. On pg. 60 of the comprehensive plan in figure 4.1 the graphic indicates that Petersburg, as compared to other Virginia cities, currently has over 20% more multi-unit housing and almost 20% less single-family dwellings. If there is a need for more housing that encourages living in Petersburg, it would appear we need single family housing units. Those would attract growing families as our home prices and cost of living remain below other areas of metro RVA. We have a Future Land Use Framework and Map included in the comprehensive plan that is to guide best practices in consideration of such rezoning proposals.

- d) Obj.6.3 This gateway corridor’s infrastructure is already taxed to support residential and business development. The city is actively seeking funding and implementing improvements in the priority areas that will support business development. Because of aging infrastructure and deferred costly maintenance and upgrades, this has become a daunting challenge. Stormwater runoff will increase if we lose this large, forested acreage and the loss of natural habitat that absorbs, and filters surface water excesses will be negatively impacted. So, instead of improving an existing city crisis, we will increase it. The BMP drainage areas on the conceptual site plans are not sufficient to negate the impact of land clearing and addition of impermeable surfaces for parking and traffic.
- e) Section 8 of the comprehensive plan addresses environmental stewardship in greater detail and supports the concerns outlined here. In early community feedback for the comprehensive plan, it was noted that flooding in low lying areas, critical high heat indices and lack of tree canopy were all listed as key concerns. As noted, Poor Creek runs through these existing private home sites and the proposed development. It is already vulnerable and during heavy local rainfall events, downriver flooding subsequent to western high-water events, and coastal flooding events, this area cannot drain fast enough to prevent flooding and stream bank erosion. We have in Petersburg both tidal and no-tidal wetlands and loss of vegetation and water quality in these wetlands negatively impacts our ecosystem and biodiversity.

As part of our compliance with the Chesapeake Bay Preservation Act, development along this area of Poor Creek deserves scrutiny. The 3 proposed BMP drainage sites would be challenged to be other than mosquito breeding grounds. The review and approval by the city of the disturbance of the RPA was not included in the document request provided by our Zoning and Development department (strategy 7.4.3), so perhaps they have not yet been completed. Another concern is the RAFT score of 46 that Petersburg received by independent study groups indicates **low** resilience to environmental threats. We recommend risk mitigation be enacted prior to any high-density development that further strains resilience. Our own comprehensive plan on pg. 187 stresses “landscape plans and standards to protect and expand urban green spaces while mitigating the water quality, air quality and heat impacts of development”.

2. The perceived negative impact on our city has been outlined above. There is additionally, negative impact to the citizens on the land surrounding the proposed development. The developer and family submitting this rezoning proposal are *not* citizens here. Their potential economic gain through maximizing their return by requesting high density housing is at the expense of landowners who are actively living here and investing their time and treasure to the rebirth of the city. The negative impact of this development to current and future land value of current residents is currently being quantified but is predicted to be quite substantial. Our quality of life is also impacted negatively by the proposed construction activity and all it entails, loss of surrounding natural habitat, increased noise and light pollution, and increased traffic on our strained roadways. To these concerned citizens this proposal appears to be a lose/lose. It is critical that Petersburg support win/win strategies to regain its economic footing and become the desirable place to live, grow and play its envisions.

As a strong proponent of the efforts of the Partnership for Petersburg initiative occurring in collaboration with our state leaders, this rezoning proposal seems ill timed for the city as we address the areas of opportunity to improve community infrastructure, address environmental concerns, improve quality of life indicators, and grow career opportunities. We ask that the rezoning request for multi-unit housing be denied.

Respectfully submitted by David and Pauline Elliott, residents of 1687 S. Crater Rd., Petersburg on 9/25/2025.

September 26, 2025

Department of Planning and Community Development  
City of Petersburg  
135 N. Union St  
Petersburg, Virginia 23803

ATTN: Mr. Tyler Jackson – Planner

RE: 2025-REZ-05  
10/2/25 Pubic Hearing

To Whom it May Concern:

My name is Barry Cohen. I own the property at 1841 S Westchester Drive along with my siblings, Carol Robin Cohen, Dr. Michael Cohen, and Jeri Cohen. I am writing in Reference to 2025-REZ-05 and the rezoning of properties adjacent to ours. As a licensed Professional Engineer (Architectural/Structural) I am familiar with the general procedures that are under review for this project, as well as the benefits and repercussions.

As a Homeowner, I want to make sure that my home remains as it is, and its overall value is not compromised by changes in the surroundings. As an Engineer who constantly deals with Developers and Municipalities in these situations, I realize that progress is inevitable, and I cannot expect things to remain status quo. But I also realize that it is up to the municipality, via zoning and other ordinances, as well as the building codes, to regulate construction and development to ensure that these said developments and all construction reflects the needs of all parties involved, as well as the City of Petersburg itself.

I write this letter to address our concerns, and I feel the concerns of our neighbors, regarding this proposal. While we do not object, in theory, to the development of the property, we have many questions and concerns. We do not feel that our properties are being fully considered, and question if the impact on the community has been fully anticipated. Our concerns include, but are not limited to:

- **Spot Zoning:** The potential rezoning of the two large lots is considered spot zoning, where a lot is individually rezoned without consideration for the municipality's overall municipal plan. Spot zoning is generally not considered to be a "best practice" of city

planning. If lots are rezoned, there should be a significant hardship that would necessitate such a change. In this case, I do not see a hardship that would necessitate such a change.

- **Rezoning two R1 properties to R4:** The two properties that would require rezoning are not isolated properties. The two properties are clearly surrounded by a large quantity of R1 properties.

The existing R1 is completely surrounded on three sides by R1 zoning district and on the west side by an R4 district. The R4 portion of the property is bounded by R1 districts on the east and west sides, R4 on the north and B1 on the south. While changing the Zoning designation from R4 to RTH is not a large leap in use, it is a huge leap from a single family R1 district.

This creates a Spot Zoning condition for area, where a single, less restrictive zone is created surrounded by more restrictive districts. This will produce an RTH island, in the middle of and essentially surrounded by an R1 zone. This appears contradictory to the overall zoning plan of Petersburg.

- **Lot Consolidation / Lot Line Adjustment:** Lot line adjustments will be required, with multiple lots changing zoning districts. Has this been reviewed and approved by the city?
- **Unit Density:** The lots under consideration are zoned R1, single family and the proposed rezoning is for RTH which is significantly denser. The proposal anticipates a project with a very high density of 114 units. Within the proposed site, the highest density of units is located in the present R1 zoning district (adjacent to my property on South and North Westchester Dr), with 90% of the units located in this area – an area currently zoned for single family dwellings. Along Crater Road, only 10% of the units are located in the existing R4 district, an area designated for single family dwellings as well as multiple dwellings (apartments).
- **Parking:** The proposed plan also provides 262 parking spaces for the 114 units. The zoning requirement for townhouses requires 2 parking spaces per unit – or in this case, a total of 228 parking spaces. This plan provides for an additional 38 spaces. This seems excessive, and a potential for excessive traffic within the development, as well as into the development from Crater Road. Has a traffic study been performed for this project? How will this affect Crater Road?

It appears that the internal roads on the proposed plan will create significant traffic within the site. Should the project proceed, consideration for an additional cross road might be considered from the end of the long road up to the road which occurs in the center of the lot. Traffic calming measures (traffic humps) may also be necessary.

The concept plan also shows a gated emergency access road connecting the development to North Westchester Drive, and Briar Road. What assurances do we have that this road will remain for emergencies only, and not ultimately be used to access the units at the far end (south corner) of the development? Will the access road be deeded to maintain it as an emergency road in perpetuity? If this is not maintained as such it will severely increase the traffic through the neighborhood.

- **Buffer:** While a buffer is shown around the built-up portion of the development, this buffer is narrowest on the southside adjacent to Westchester Dr. where larger single-family properties exist. At this point, the buffer is provided by a tree line extending 50' from the property line. Item 5 of the proffer notes *"There shall be a buffer along the property as it abuts single family ... subject to the removal of fallen, diseased or dead plant growth, except to the extent necessary for grading, drainage & utilities."* Who will determine which plant growth remains and which is removed? Will an arborist or city forester make the determination regarding the trees to remain? Will evergreen trees and/or landscape berms be provided in the southside buffer zone?
- **Site Grading and Landscaping:** The two large lots (R1) consist of mature trees of varying sizes, underbrush scattered around uneven terrain. This terrain consists of mounds and valleys; many the remnants of the entrenchments made during the Civil War. The grading that will be necessary for this project will require extensive work to these features, undoubtedly affecting the existing plant growth. The proposed site plan does not reflect the maintenance of any mature or significant trees and vegetation. In fact, it appears that the density (clusters) of townhouses and significant parking will necessitate the removal of the majority of the trees and vegetation. Has a study been performed by the City Arborist to tag trees to remain, trees to be removed, and dead plant growth to be cleared? How can we be assured that trees and landscaping will be provided that conforms to the proposed plan? Has a landscaping plan been created, and reviewed by the planning commission or the Zoning Board?
- **Storm Water Management:** Has a storm water management study been performed? As noted above, much of the buffer area consists of uneven terrain which will require

extensive clearing, grubbing and grading. This will severely impact the stormwater management of the property. Over the years, the existing trenches have become channels for water flow, and during heavy rains these areas have a tendency to flood. How will the revisions and grading affect the neighboring properties? Have studies been performed to determine if the three proposed stormwater basins are adequate for the projected conditions?

- **Existing creek:** In addition, a creek runs thru the property, coming from the properties on Westchester and passing thru the project properties. As noted above with the buffer areas, this creek severely overflows and floods during heavy rainstorms. How will the grading affect the creek and the adjacent properties? Will the creek be preserved through the property. The proposed plan does not indicate the creek. Again, has a storm water management study been performed? Has there been a wetlands study, or a study by the DEP?

To summarize, while I am not opposed to the development of the site, I do **not** feel that that the impact of the proposed development on the neighboring properties has been adequately considered. The following questions remain:

1. Spot zoning appears to be contrary to the original intent of the zoning ordinance and distribution of the various occupancies. There is no hardship to the property owners that precludes development of this land. Single-family dwellings can be constructed without the necessity to rezone.
2. Is it necessary to have 114 units? It seems that keeping the zoning as R1, and developing the area as single family dwellings will satisfy the current ordinance, and still allow the property owners to develop the area. In addition, the lot just off Crater Road is R4, and can be used for apartments or multi-family units without redistricting.
3. Is it possible to redistribute the units, placing more towards Crater Rd, the existing R4? Can they be moved north to more evenly distribute the total units so most are not adjacent to our properties?
4. What are our assurances that in the future addition units will not be added?
5. Parking for the development appears to be excessive. Why are so many spaces needed? Has a traffic study been performed? What assurances are there that the gated emergency road will not be opened up as a thru-Way?
6. How will the buffer, as shown, be enforced. Can the entire development be shifted north, increasing the buffer on the south side, making it more equal to that on the

north? Why is the south side buffer the narrowest, while the northside is several times larger? Can the entire development be shifted to equalize the buffer for all sides?

7. Who will determine which trees remain, which trees can be removed, and what must be added? Has a site plan/landscaping plan been created? Has the City Arborist performed a survey to determine these issues?
8. Has a storm water analysis study been performed? How will this work affect the existing wetlands? Will storm water now be redirected onto our properties?

Thank you for your consideration.



Barry A Cohen, PE  
1841 S Westchester Dr  
Petersburg, VA 23805

## MEMO IN OPPOSTION

TO: Department of Planning & Community Developmen (City of Petersburg)  
[jcrews@petersburg-va.org](mailto:jcrews@petersburg-va.org)  
[tjackson@petersburg-va.org](mailto:tjackson@petersburg-va.org)

FROM: John & Stephanie Willinger, Residents  
1685 S Crater Road

DATE: September 27, 2025

RE: Application Submitted Requesting Rezoning By Wilton Acquistion LLC for TPINs –  
04211011, 042090014, 04211002, 042110802

---

As residents of the above-referenced location since May 2007, we are STRONGLY opposed to the application submitted by Henry Wilton and we **concur** with the statements and information submitted in advance by Pauline and David Elliott. This proposal as submitted is not aligned with the *City of Petersburg Comprehensive Plan*.

Additionally, we respectfully request consideration of the following

1. Our 75 year old unique single-family home is directly adjacent to 1683 S. Crater Road.
2. 1683 S Crater Road is tied historically to all of the unique adjoining single family homes at:1685, 1687, 1689 & 1701 S. Crater Road.
3. We were assured by the owner Elizabeth Hale that they would never sell to a developer which was one of the reasons we purchased our unique single family home in 2007.
4. This proposal if approved would further erode the historic significance and value of our collective unique adjoining properties.
5. The application correctly states in #4 that ‘the majority of the area is developed with single family homes’. However, it further concludes that offering a ‘choice’ of townhomes ‘helps increase home ownership’ with no evidence to support this conclusion in this unique historic location. To restructure this area as proposed devalues the majority property type as indicated.
6. The number of units proposed is preposterous and unreasonable given the nature of the neighborhood where there have been significant improvements to several single-family homes within a 2-3 block radius over the last few years. These improved properties on S. Crater Road have increased property values and continue the forward momentum needed in Petersburg to attract and retain citizens.
7. This proposal if approved would create more issues than already exist on S. Crater Road for traffic flow and public safety. If you have 4 residents in each unit (not to exceed 120 cited in the proffers) that adds another 480 citizens at a minimum that the city would be responsible for ensuring safe traffic flow and protection from crime.
8. It is clear from the application that this developer believes that townhomes in this location would appeal to ‘first time home buyers’ or ‘city/county employees’ again with no evidence to support this conclusion. We believe it would drive out the current hard working citizens that pay taxes to support the positive endeavors going on in Petersburg.

9. This type of project would be better suited in another blighted location without the negative environmental impacts as outlined by Ms. Elliott. We are not opposed to the concept of re-development which may include a limited number of single-family residences on 1-2 acre lots, akin to the nature of our adjoining properties. This would preserve the unique and picturesque setting that adds value to Petersburg.
10. This proposal if approved would degrade our properties and surrounding wildlife habitats that we have become accustomed to nurturing including a variety of birds, deer, groundhogs, butterflies, frogs, etc.
11. We also believe that our properties along with those in this application may contain items like earthworks and other historical items connected to the federal park since it is in close proximity. There has been some interested private parties in exploration but it may be of value to state or local entities for investigation or preservation.

Thank you in advance for your careful consideration of this application. We look forward to a thorough review and we are hopeful that the outcome will benefit our community.

Copy: David & Pauline Elliott @ [mpbe53717476@gmail.com](mailto:mpbe53717476@gmail.com)  
Jim & Linda Wynne @ [wynne1701@gmail.com](mailto:wynne1701@gmail.com)  
Darrin Hill @ [Dhill@petersburg-va.org](mailto:Dhill@petersburg-va.org)  
Sam Parham @ [Sparham@petersburg-va.org](mailto:Sparham@petersburg-va.org)

To: Department of Planning Community Development  
City of Petersburg  
135 N. Union Street, Room 304  
Petersburg, VA 2380s

From: Albert and Linda Wynne  
1701 S. Crater Road  
Petersburg, VA 23805

Subject: **Response to Rezoning Request 2025-REZ-05**

Attention: Tyler Jackson, Planner

In response to the request for rezoning the properties 1681 & 1683 South Crater Road from R-4 Multiple-Dwelling and R-1 Single-Family Residence Districts to RTH, Residential Town House District, we are submitting this document documenting our opposition to the rezoning request. We offer the following to support our opposition:

- 1. Traffic Congestion:** Most recently, the Petersburg City Council began addressing the number of accidents related to speeding and bottlenecks associated with the high volume of traffic on Crater Road. Suggestions to reduce the impact of accidents and speeding have included 'no-left' turns and speed bumps. Crater Road is State Route 301 and 'local traffic' includes tractor trailers, Box trucks, cars, and unfortunately, speeding motorcycles. The additional 120 townhouse units proposed in the project-development plan does not address the impact of potentially 180 additional vehicles that would require ingress and egress to the subdivision created from the building of these units. There is no impact study from DOT that provides a thorough study of the impact of adding these units in an areas which already have a large & smaller apartment complex that are adjacent to the proposed development site. Would there be a turn lane added, or another intersectional traffic light which would be within 1/8-1/4 of a mile from two existing traffic lights to the north of the proposed project area? Within 1/8 mile to the south on Crater Road from this proposed entrance/exit to the development area is another intersectional traffic light, and another 2 within 1/8 & 1/4 mile further south from that intersectional traffic light. The bottleneck that would be created requires more than a cursory study to determine the full impact to the neighborhoods adjacent to the proposed rezoning area. Those entering the proposed development traveling south on Crater Road would have to turn left across oncoming traffic, creating potential cases for accidents to occur. Not having a turn-left capability will require the south-bound traffic wanting to enter the property to travel further south on Crater Road and find a place to turn around (U-turn at traffic intersection or neighboring parking lots in former mall areas. We believe this proposal would be inviting greater problems with congestion, inconvenience and speeding with drivers who are in a hurry to reach their destination, without regard to the safety to those using the existing sidewalks. There is no indication that a study of police traffic records as to the number of accidents, injuries and deaths associated with speeding and reckless driving on S. Crater Road, both north and south of the proposed Crater Road entrance/exit for the proposed rezoning area.
- 2. School System Impact:** There is no indication as to the impact of school-aged children who would be living in the proposed townhouse district. The number of buses that would be entering and exiting the neighborhood has not been projected to ascertain the impact on traffic throughput. What school districts would be impacted requiring additional infrastructure and

teacher resources? This seems to be rather short-sighted and implies there is no interest in the community impact.

3. **Not respecting existing zoning:** The proposed rezoning from Multiple Dwelling R-1 and Single-Family Residence ignores the original intent by the existing properties owners which is to keep any new housing in the proposed rezoning area consistent with the homes that are currently adjacent to the proposed rezoning area. The proposed townhouse district would include dwellings that are incongruent with the existing homes surrounding the proposed rezoning area. We are not opposed to single family homes within a multiple dwelling district. This is consistent with the intent that was fostered when we acquired our home at 1701 S. Crater Road.
4. **Unsubstantiated First-Time Owner Opportunities:** Currently, there are multiple townhouse residential neighborhoods that are not adjacent to the impacted single-family homes. Has there been any analysis conducted to show whether these townhouses are individual owner-residences, or are there sets of these townhouses owned by an LLC or investment entity for the purpose of leasing/rental income? The proposed plan does not provide any evidence to substantiate their claim. We have considerable concerns related to these townhouses being maintained at the level of the surrounding properties. With the existing apartment and townhouse complexes which are on-record as having crime related challenges, we see this as an added increase of density-induced criminal activities. The bottom line here is that the current land owners and potential developer have not provided any evidence that these townhouses would be individually- owned residences.
5. **Infrastructure Impact:** We do not see any real data that measures the impact of these additional townhouses to water and sewer utilities, electricity, gas, and stormwater runoff that would result with the proposed development. To our knowledge the City of Petersburg has not included additional funding for residential infrastructure development in its budget. We do not see this as a priority in the City's Comprehensive Plan. Where would the funds originate or be reallocated from other projects that have been in the planning for years? We find this a distraction to the City's comprehensive plan for economic development.
6. **Historical Significance:** Petersburg has a long history of early residential and commercial properties, and the role it played in the comprehensive socio-economic development of the Commonwealth of Virginia. Whereas the National Battlefield represents a turning point in our nation's treatment of all people treated as equals, the proposed rezoning area is one of the few remaining undisturbed lands that remain that document our city's history in the conflict for equality. There are other areas within the city limits of Petersburg that would welcome the development proposed by the owners and developer and not impact on the preservation of this property. Once it is gone, it is gone forever and history will be forgotten. There is a preservation foundation that would value having this property as one of their protected artifacts.

We appreciate the opportunity to voice our opposition to this rezoning request. We believe that the issues sited above represent the common-sense perspectives of our neighborhood. We are asking the zoning board to not support the rezoning request.

Respectfully submitted:

Albert and Linda Wynne

PLANNING  
COMMISSION  
MEETING

MARCH 5, 2026



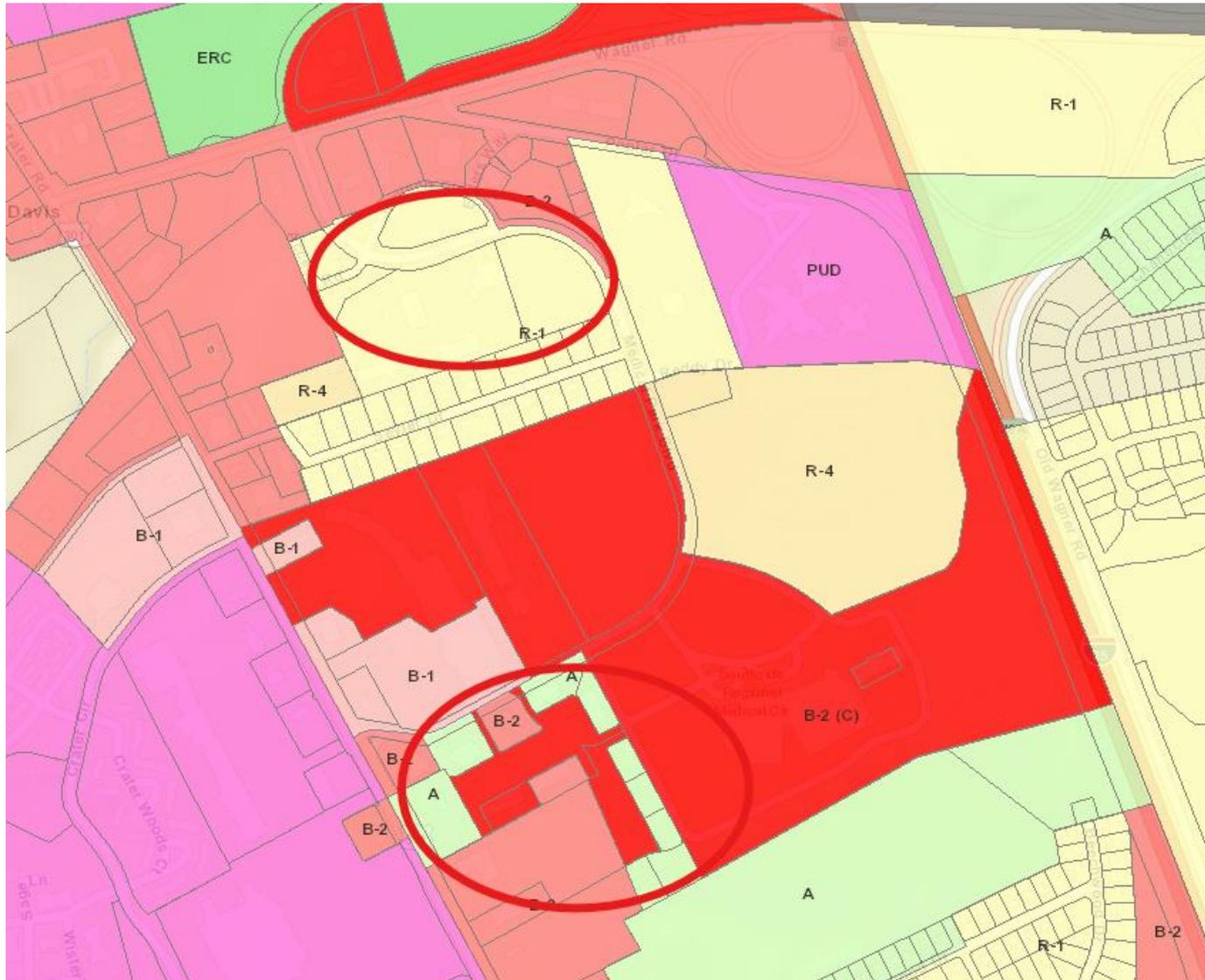
# Discussion – Proactive Rezoning

# Recap and Update

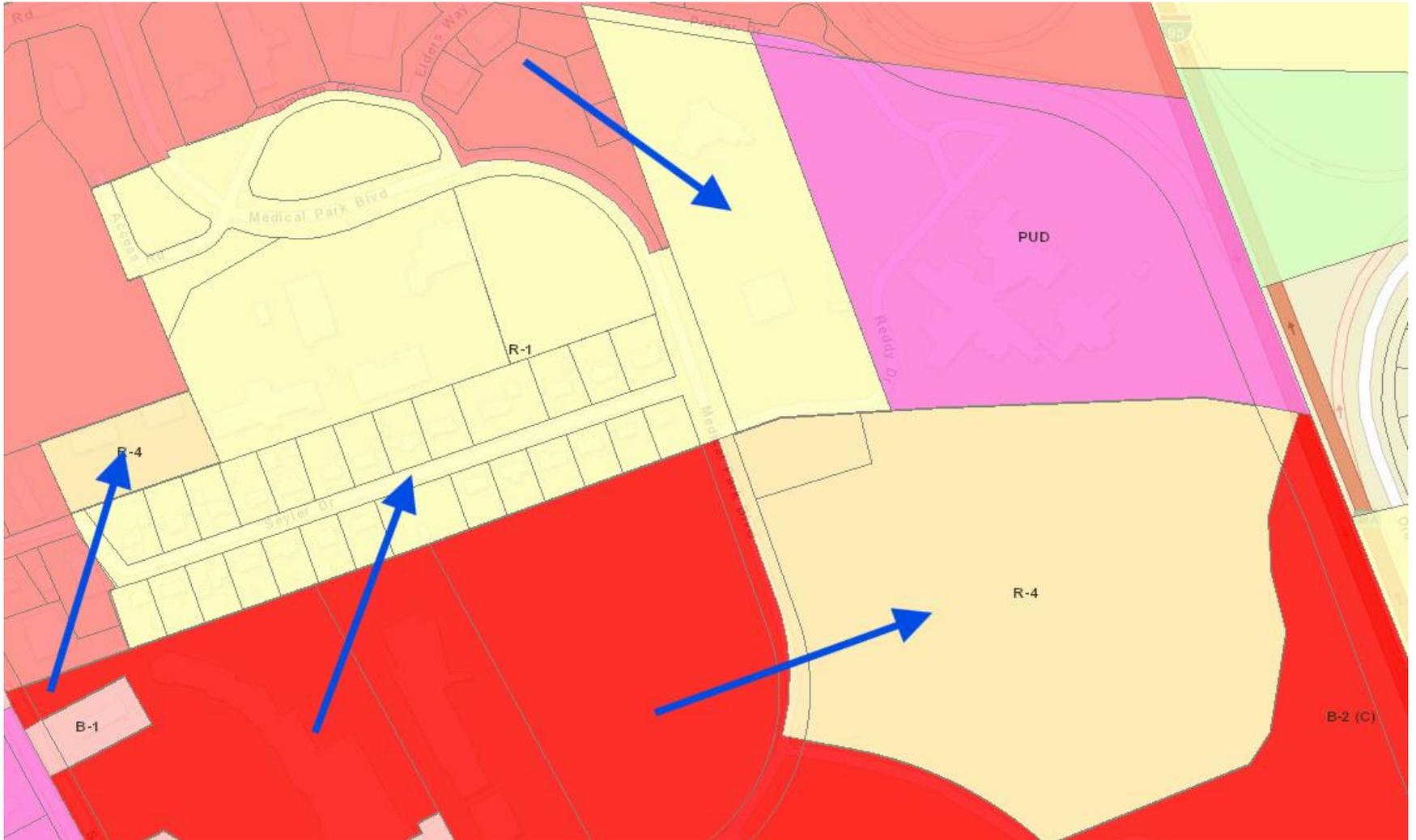
---

- Request to identify areas in vicinity of the ERC district that may be appropriate for proactive (i.e. city-initiated) rezoning; will need to determine if rezonings are appropriate and, if so, to which districts
- Will need to consider Future Land Use Map guidance, existing conditions, whether any additional changes are appropriate
- Since last meeting, scope of focus has been defined by City Manager and several parcels were discovered to have been rezoned already

# Rezoned Previously



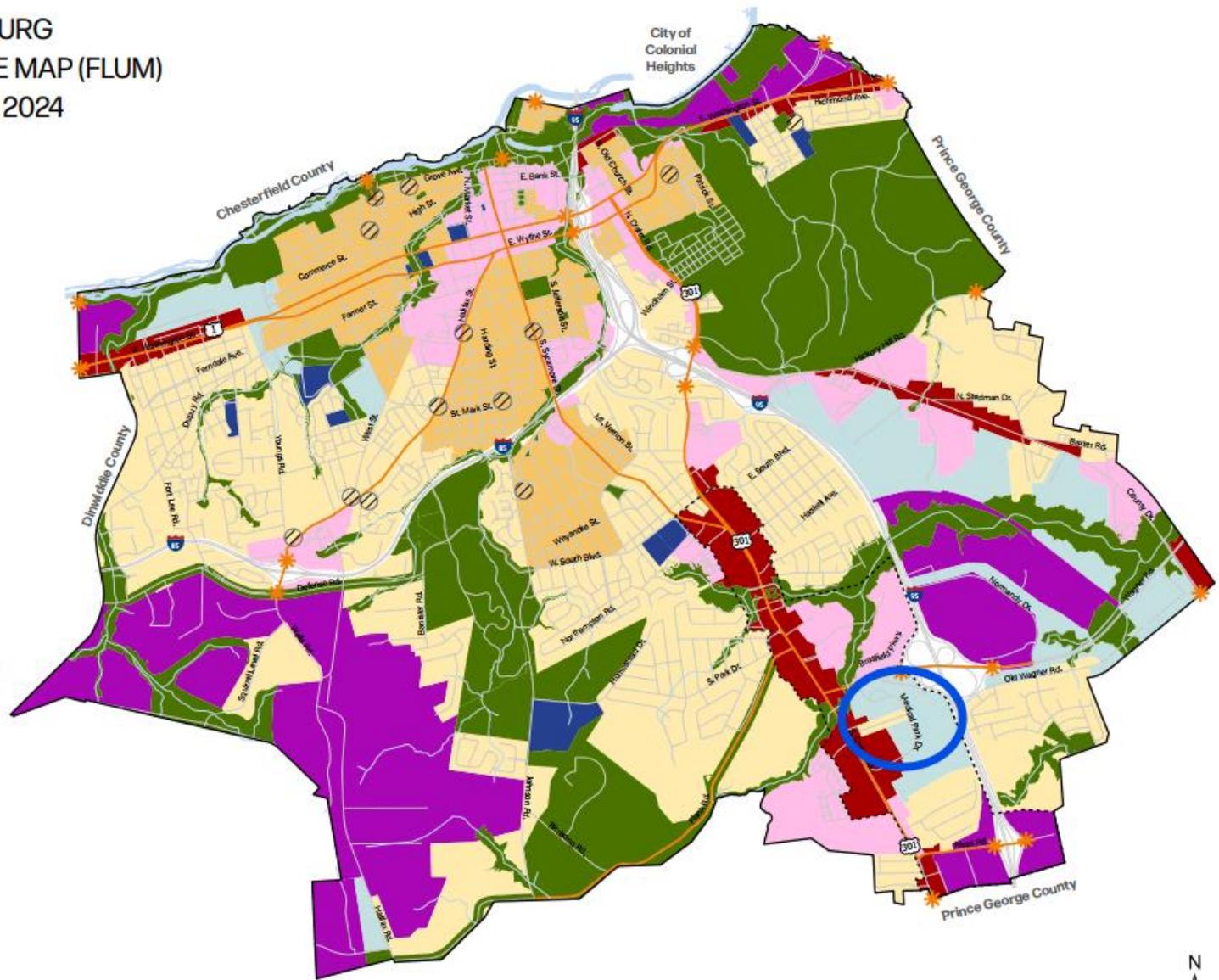
# Scope of Focus



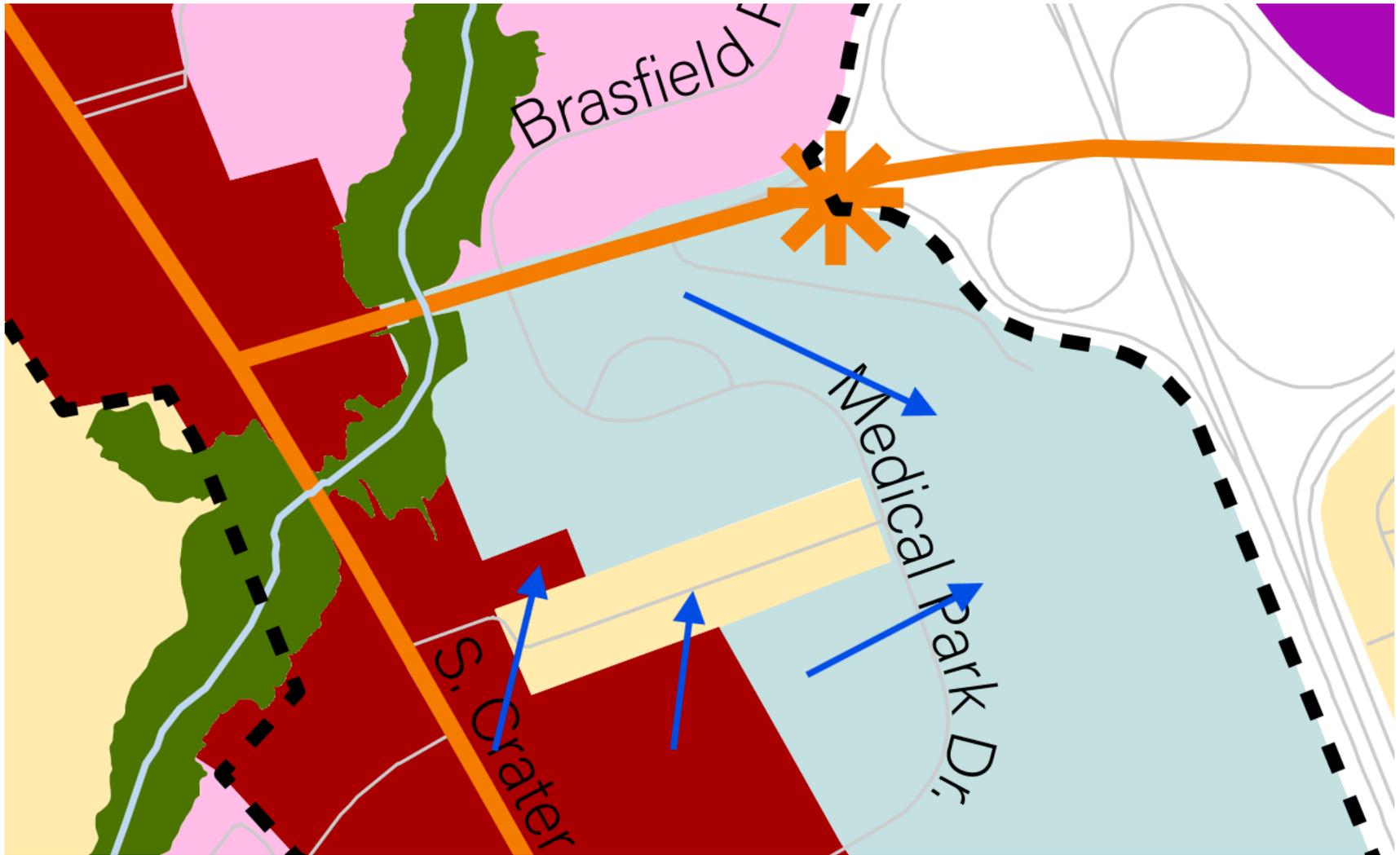
CITY OF PETERSBURG  
 FUTURE LAND USE MAP (FLUM)  
 ADOPTED MAY 21, 2024

**LEGEND**

- City Limits
- Roads
- Appomattox River
- Waterways
- ⋯ South Crater Urban Development Area (UDA)
- Historic Core Neighborhoods
- Community Residential
- Neighborhood Commercial
- Community Mixed-Use
- Corridor Commercial
- Research and Development
- General Industrial
- Civic
- Conservation and Recreation
- ✱ Gateways
- Corridors



# Future Land Use Designations



# Future Land Use Designations

---

- Research and Commercial – “Major employment centers”, variety of research and development, light industrial, office, and medical uses
- Corridor Commercial – “Provides good and services for community”, commercial, hospitality, personal service uses
- Community Residential – “More suburban in character,” variety of residential uses encouraged

# 300 Poplar Drive





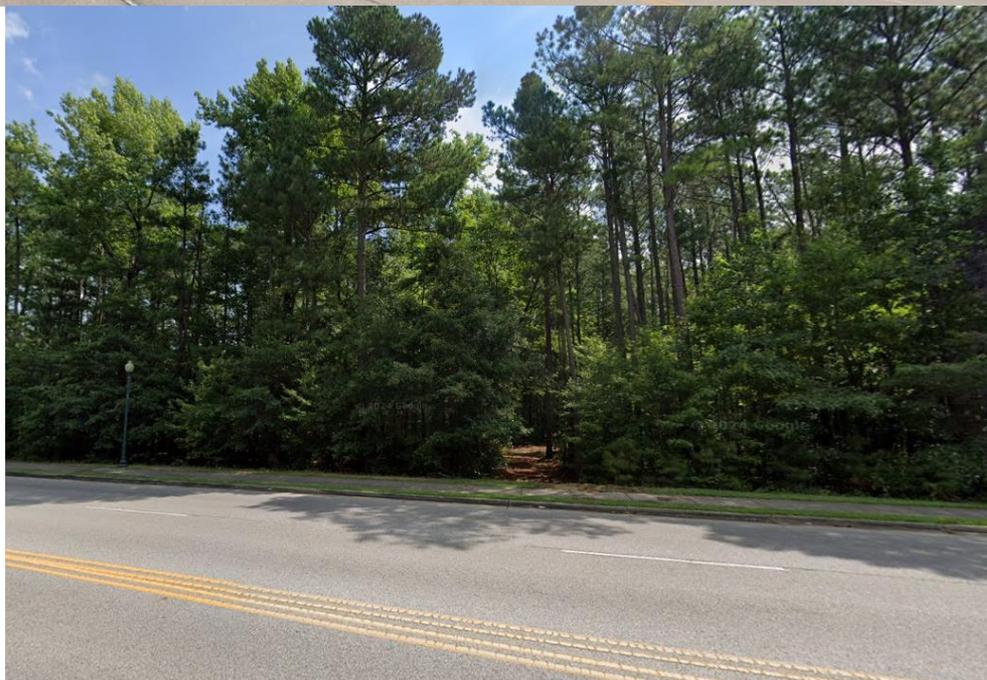
# 300 Poplar Drive

---

- 10-acre lot with frontage along both Poplar Drive and Medical Park Boulevard
- Current Zoning is R-1, Single Family Residence, religious assembly use permitted by-right; Future Land Use Designation is Research and Development
- If redeveloped, would be limited to low-density residential uses that do not align with Future Land Use designation

# 230 Medical Park Blvd





# 230 Medical Park Boulevard

---

- 25-acre lot; majority wetlands with approximately 3 buildable acres.
- Current Zoning is R-4, Multi-Family Residential, Future Land Use Designation is Research and Development
- Plans have been approved for construction of 76-unit apartment on the site, Planning Commission asked to consider whether this is best and highest use and if R-4 Zoning is most appropriate given anticipated development in area

# 27 Seyler Drive





# 27 Seyler Drive

---

- 2.1-acre lot with access onto Crater Road
- Current Zoning is R-4, Multi-Family Residential, Future Land Use Designation is Corridor Commercial
- Current use is religious assembly; if redeveloped, uses would include range of residential up to multi-family

# Seyler Drive – Norwood Subdivision





# Northwood Subdivision

---

- Various single-family dwelling lots on block between Medical Park Boulevard and South Crater Road (currently no access onto Medical Park)
- Current Zoning is R-1, Single-Family Residential, Future Land Use Designation is Community Residential
- Current condition of street not conducive to heavier traffic, but very likely surrounding new development will be commercial

# Possible Zoning Changes

---

- B-2 General Commercial District – Range of commercial uses, single and two-family dwellings by-right, multi-family and other more intensive uses (adult, nightclub, vehicle repair) can be requested through special use permit
- MXD-3 Mixed Use District – Permits offices, clinics, and educational uses by-right, commercial and non-objectionable industrial uses can be requested through special use permit

# Additional Considerations

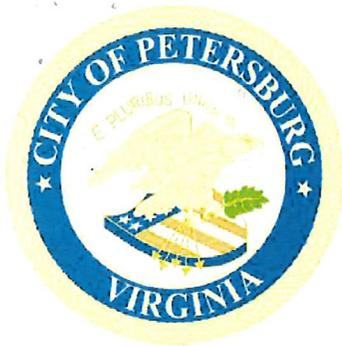
---

- Future Land Use Map did not account for casino development; may be appropriate to revisit designations
- City would not have ability to place proffers on proactive rezonings (i.e. no limitations on uses)
- Council has asked for attention to **redevelopment** potential
- Commission requested site visit in partnership with PAT, was not possible prior to this meeting; Council has requested recommendations by March 17

# Potential Recommendations

---

- 300 Poplar Drive and 230 Medical Park Boulevard – Considering redevelopment potential, MXD-3 or B-2 could be appropriate
  - B-2 Zoning allows for wider range of commercial uses; MXD-3 would provide more review/control over types of uses and more closely align with Research and Development FLU Designation
- 27 Seyler – B-2 Zoning appears to be appropriate due to surrounding uses, access onto South Crater Road, and Future Land Use design
- Northwood Subdivision – Future Land Use designation would be supportive of retaining existing zoning
  - If rezoned, consideration would need to be made for existing street condition and protections for current homeowners (e.g. if house were to burn, could it be built back?)
  - B-2 Zoning does currently allow residential uses, but includes range of commercial



# PETERSBURG PLANNING COMMISSION

## BYLAWS AND RULES AND PROCEDURES

### **1.0 ARTICLE I - AUTHORIZATION**

- 1.1 This planning commission is established by Chapter 82, Article II of the Code of the City of Petersburg, Virginia, as amended and in accord with the provisions of Section 15.2-2210, Code of Virginia (1950), as amended.
- 1.2 The official title of this planning commission shall be "Petersburg Planning Commission," hereinafter referred to as the "Commission."

### **2.0 ARTICLE II - PURPOSE AND INTENT**

- 2.1 The purpose of the Commission is to assist the City Council of Petersburg to anticipate, initiate, and guide future land use development and change by preparing plans, ordinances, capital improvement programs, studies, reports, and other documents for consideration by Petersburg City Council.
- 2.2 The intent of these Rules of Procedure is to facilitate the powers and duties of the Commission in accordance with the provisions of Title 15.2, Chapter 22, Article 2 of the Code of Virginia and in accordance with the provisions of Chapter 82, Article II of the Code of the City of Petersburg, as amended.

### **3.0 ARTICLE III - DUTIES OF THE COMMISSION**

- 3.1 The Commission is essentially a group of advisors to the governing body, City Council. The Commission has no legislative authority, but does have certain important powers and responsibilities which include the following:
- 3.1.1 It reviews, every 5 years (with the advice and assistance from the staff of the Department of Planning), the comprehensive plan for land use, community facilities and transportation for the orderly growth and development of Petersburg.
- 3.1.2 It reviews and recommends approval or disapproval of all rezoning applications.
- 3.1.3 It considers and makes recommendations concerning changes in zoning ordinances either on its own initiative or as may be referred to it by the City Council.
- 3.1.4 It prepares (with the advice and assistance of the staff of the Department of Planning and the Office of the City Manager) and revises annually as required, a program of capital improvement projects and proposed funding for the ensuing five (5) years. The CIP shall be completed, approved, and submitted to the City Manager and City Council by March 31, annually.
- 3.1.5 It prepares (with the advice and assistances of the staff of the Department of Planning)

and submits to the City Council a comprehensive zoning plan and submits from time to time such changes to the zoning plan as conditions may warrant.

- 3.1.6 It prepares and presents to the City Council an annual (July) report setting forth the Commission's activities.

#### **4.0 ARTICLE IV - MEMBERSHIP AND RESPONSIBILITIES**

- 4.1 One of the many and varied responsibilities of the members of the Planning Commission is attending regular, special, and committee meetings. Therefore, members who are frequently absent, not due to sickness or emergency, shall be called before the Commission for an explanation. The Secretary shall prepare and submit on a quarterly basis attendance reports reflecting tardiness and absences to the Commission, who may submit same to City Council for appropriate action.

#### **5.0 ARTICLE V - OFFICER AND THEIR SELECTION**

- 5.1 The officers of the Commission shall consist of a Chairman, a Vice-Chairman, and a Secretary.
- 5.2 The Commission shall elect from the members a chairman and a vice-chairman whose terms shall be for one year. Elections shall be held in May at the regularly scheduled meeting.
- 5.3 The Commission shall also select a secretary, who may or may not be a member of the Commission, a term of one year.
- 5.4 Nominations of the officers shall be made from the floor at the regular May meeting each year. Election of officers shall follow immediately.
- 5.5 A candidate receiving a majority vote of the entire membership of the Commission shall be declared elected. He/She shall take office immediately and serve for one (1) year or until his successor takes office.
- 5.6 Vacancy in the office of the Chairman shall be filled by the Vice-Chairman and shall be for the unexpired portion of the term only.
- 5.7 Vacancies in office of Vice-Chairman and Secretary shall be filled by regular election procedures.

#### **6.0 ARTICLE VI -DUTIES OF OFFICERS**

- 6.1 The Chairman shall be a member of the Commission and shall:
- 6.1.1 Preside at all meetings.
  - 6.1.2 Appoint all committees.
  - 6.1.3 Rule on all procedural questions (subject to a reversal by a majority vote by the members present).
  - 6.1.4 Be informed immediately of any official communications, and report same at the next regular meeting.
  - 6.1.5 Certify all official documents involving the authority of the Commission.
  - 6.1.6 Certify all minutes as true and correct copies.
  - 6.1.7 Perform such duties as are required in conjunction with the Secretary and Planning staff and developing agendas for all meetings, draft resolutions, letters, reports, and other official papers pertaining to the functions of the Commission.
  - 6.1.8 Carry out other duties as assigned by the Commission.
- 6.2 The Vice-Chairman shall be a member of the Commission and shall:
- 6.2.1 Act in the absence or inability of the Chairman to act, with full powers of the Chairman.

- 6.3 The Secretary shall:
- 6.3.1 Record the minutes of all business transacted by the Commission and maintain a register of actions both complete and incomplete.
  - 6.3.2 Present for reading and approval at each meeting the minutes of the preceding meetings.
  - 6.3.3 Maintain a record of all Commission resolutions, findings and determinations, which record shall be a public record.
  - 6.3.4 Notify all members of regular and special meetings five days prior to date of such meetings.
  - 6.3.5 Attend to the correspondence of the Commission.
  - 6.3.6 Prepare and publish advertisements relating to public hearings.
  - 6.3.7 Prepare the annual report during July of the calendar year under the direction of the Chairman.
  - 6.3.8 Assume any other related duties and reports of the Commission.
  - 6.3.9 Certify all maps, records and reports of the Commission.
  - 6.3.10 Prepare in conjunction with the Chairman agendas for the regular and special meetings and forward to the Commissioners one (1) week prior to the meeting date. The agendas will contain the official order of business, a copy of the minutes from the last regular and/or special meeting and any and all data pertinent in augmenting the function of the Commission.
  - 6.3.11 Prepare and submit the Commission attendance record to the Chairman on a quarterly basis.

**7.0 ARTICLE VII - COMMITTEES**

- 7.1 The following committees may be appointed by the Chairman to serve as needed:
- 7.1.1 Comprehensive Plan Committee. It may be asked to develop, update, and revise the Comprehensive Plan and coordinate the work of other committees which relate to the overall plan development in conjunction with the Planning staff.
  - 7.1.2 Land Use Committee. It may be asked to prepare and maintain an inventory of land uses within the City, and be responsible for the preparation of the land use maps in conjunction with the Planning staff.
  - 7.1.3 Subdivision Committee. It may be asked to draft subdivision regulations and subsequent amendments, and it shall examine all subdivision applications, in conjunction with Planning staff. Recommendations on them shall be made to the Commission.
  - 7.1.4 Zoning Committee. It may be asked to draft zoning regulations and subsequent amendments, and it shall examine all zoning applications, in conjunction with the Planning staff. Recommendations on them shall be made to the Commission.
  - 7.1.5 Capital Improvements Committee. It may be asked to prepare and annually update a Capital Improvements Program (CIP) in conjunction with the City administrative officials and Planning staff, and submit its recommendations to the Commission. It will assure that the CIP is in conformance with the Comprehensive Plan.
  - 7.1.6 Special committees may be appointed by the Chairman for the purposes and terms approved by the Commission.
- 7.2 The Chairman shall be an ex officio member of every committee.

**8.0**     **ARTICLE VIII - MEETINGS**

- 8.1     The Chairman (if absent, Vice- Chairman) shall preside.
- 8.2     Regular meeting of the Commission shall be held on the first Wednesday of every month at 7:00pm, in the Council Chamber of City Hall (3rd Floor). When a meeting falls on a legal holiday, the meeting shall be held the following Wednesday, unless otherwise designated by the Commission. When in the opinion of the chairman, the length of the agenda requires an earlier hour of assembly such an earlier meeting time may be established. When in the opinion of the Chairman, in consultation with the Secretary, the agenda would indicate the need for a larger meeting facility or greater accessibility for the public, the location may be changed and so indicated in the duly advertised meeting notice.
- 8.3     Special meetings shall be called by the Chairman or upon written request by a quorum of the membership. Written notice shall be given to the members at least five (5) days prior to the meeting. Written notice shall state the time, place, and purpose of the meeting.
- 8.4     Written notice of a special meeting shall not be required if the time of the special meeting had been fixed at a previous regular meeting or if all of the members are present at the special meeting.
- 8.5     The Commission may go into closed meetings pursuant to the Virginia Freedom of Information Act, Sections 2.1-340 through 2.1-346 of the Code of Virginia, as amended.
- 8.6     All regular meetings, hearings, records and accounts thereof shall be open to the public.
- 8.7     If a quorum of the Commission fail to attend any meetings, special or regular, the presiding officer may continue the meeting to some later date. The Secretary shall enter such continuance in the minutes.

**9.0**     **ARTICLE IX - VOTING**

- 9.1     A majority of the membership of the Commission shall constitute a quorum.
- 9.2     No action of the Commission shall be valid unless authorized by a majority vote of those present.
- 9.3     Voting on all questions shall be by "ayes" and "nays", and no roll call shall be necessary unless one or more members of the Commission shall vote "nay" on a question, or unless the vote is to be upon nomination of two or more persons for the same position, in either of which events, the vote shall be by roll call of the members of the Commission in alphabetical order, except Chairman is called last, and the vote of each member shall be recorded in the minutes. If any member shall refrain from voting, such fact shall be recorded, and the vote shall be by roll call, the vote of each member voting shall be recorded.

**10.0**    **ARTICLE X - ORDER OF BUSINESS**

- 10.1    The order of business for a regular meeting shall be:
  - 10.1.1   Call to order by the Chairman.
  - 10.1.2   Roll Call.
  - 10.1.3   Determination of a quorum.
  - 10.1.4   Presentation of minutes and acting upon.
  - 10.1.5   Public expression period (speaker allowed five minutes to speak on any matter not listed on the agenda).
  - 10.1.6   Public Hearings (if scheduled)
  - 10.1.7   Old Business.
  - 10.1.8   New Business.
  - 10.1.9   Report of standing and special committees.
  - 10.1.10  Report of Secretary.

- 10.1.11 Report and business from the Chairman and the other Commissioners.
- 10.1.12 Closed Session (if needed).
- 10.1.13 Adjournment.

- 10.2 Parliamentary procedure in Commission meetings shall be governed by Robert's Rules of Order when procedures are not prescribed by law or their rules.
- 10.3 The Commission shall keep a set of minutes of each meeting, and these minutes shall become a public record. The Secretary and Chairman shall sign all minutes and, at the next meeting or soon thereafter as possible, shall certify that the minutes of the preceding meeting are a true and correct copy.
- 10.4 The agenda may be amended to adjust alignment or make additions by a majority vote of those members present.

**11.0 ARTICLE XI - PUBLIC HEARINGS**

- 11.1 In addition to those required by law, the Commission may hold public hearings on any matter which deems to be in the public interest.

- 11.2 The procedures normally followed for a hearing involving a rezoning application, use permit, etc., amendment of the City Ordinance, appeal on a site plan or matter other than consideration of the comprehensive plan or section thereof, shall be:

- 11.2.1 Call of public hearing by the Chairman.
- 11.2.2 Description of properties in issue together with the comments and findings by staff.
- 11.2.3 Question by Commissioners to staff.
- 11.2.4 Applicant's presentation including witness in support of application. (Time limitations as announced by Chairman)
- 11.2.5 Interested witnesses' presentation in opposition to application. (Time announced by Chairman)
- 11.2.6 Applicant's rebuttal. (Time limitations as announced by Chairman.)
- 11.2.7 Planning staff's comments and recommendations.
- 11.2.8 Commission motion, discussion, and action.
- 11.2.9 An applicant may appear in his own behalf or be represented by an attorney or agent at a hearing.
- 11.2.10 In the absence of a personal appearance by an applicant, or an attorney, or an agent in his behalf, the Commission may proceed to dispose of the application on the record before it.

- 11.3 Public Hearings shall be published once a week for two consecutive weeks in some newspaper published or having general circulation in the City of Petersburg. The public hearing will be held not less than six (6) nor more than twenty-one (21) days following the second notice.

- 11.4 Notice regarding rezoning requests shall be made in accordance with State law.

- 11.5 A record (minutes) shall be kept of those speaking before the Commission.

- 11.6 The procedures normally followed for a hearing involving consideration of the comprehensive plan or a section or part thereof shall be:

- 11.6.1 Call of public hearing.
- 11.6.2 Description of area under study, together with presentation by staff and/or Commission members or recommendations for development of the areas.
- 11.6.3 Call by Chairman for the names of interested parties who wish to speak to the proposed plan.
- 11.6.4 Presentation by interested parties to the proposed plan. (Time limitations as announced by Chairman)

11.6.5 Staff/Commission discussion of the proposed plan.

11.7 Notice of public hearings and publication thereof in a newspaper of general circulation shall be made as required by Chapter 22, Title 15.2, Code of Virginia and Ordinances enacted by City Council.

**12.0 ARTICLE XII - AMENDMENTS**

12.1 These bylaws may be amended by a majority vote of the entire membership.

**13.0 ARTICLE XIII - REPORTS TO THE CITY COUNCIL**

13.1 The commission shall file a report on all actions taken and such report shall be transmitted to the City Council.

**14.0 ARTICLE XIV - LIMITATIONS**

14.1 These rules are adopted for the sole purpose of facilitating the orderly process of this Commission and deviation from such rules not inconsistent with state law or local ordinances shall have no effect on action of this Commission.

**15.0 ARTICLE XV - EFFECTIVE DATE**

15.1 The foregoing Bylaws and Rules of Procedure shall become effective upon vote of a majority of the Commission in regular meeting.

15.2 Date approved - January 22, 1986.  
Revised - June 6, 2001  
Revised - January 5, 2014  
Adopted - September 3, 2014

Planning Commission Attendance 2025																					
	January	February	February SP	March	March SC	April	April WS	May	May/June WS	June	June WS	July	July WS	August	September SP	September	September WS	October	October Sp	November	December
Alvin Cannon	P	P	P	P	NR	P	P	P	A	A	P	P	A	NM	P	NM	NQ	NQ	P	P	P
Fenton Bland	P	P	P	P	NR	P	P	P	P	P	P	P	A	NM	P	NM	NQ	NQ	P	P	P
Thomas Hairston	A	P	A	A	P	P	P	A	A	P	P	P	A	NM	P	NM	NQ	NQ	P	A	A
James Norman	P	A*	P	P	NR	P	P	A	P	P	A	P	A	NM	P	NM	NQ	NQ	P	P	P
Dianne Harley	P	A	P	P	NR	P	P	P	P	P	P	P	P	NM	P	NM	NQ	NQ	A	P	A
Tony McDaniel	P	P	P	A	P	A	P	A	A	A	A	A	P	NM	P	NM	NQ	NQ	A	A	P
Kirsten Katzenbach	P	P	P	P	P	P	P	P	P	P	P	P	A	NM	P	NM	NQ	NQ	P	P	P
Daquan Reinhardt	P	P	A	P	P	P	A	P	A	P	P	A	A	NM	A	NM	NQ	NQ	P	P	A
Marshall Ford	A	P	P	P	NR	P	A	A	A	A	A	P	P	NM	P	NM	NQ	NQ	P	P	A
P=Present	A=Absent	NM=No Meeting	NR=Not Required	NQ= No Quorum																	
*Attended Virtually																					

Planning Commission Attendance 2026														
	January	January Sp	February Sp	February	March	April	May	June	July	August	September	October	November	December
Alvin Cannon	A	P	P	P						NM				
Fenton Bland	P	P	P	P						NM				
Thomas Hairston	P	P	A	A						NM				
James Norman	P	P	P	P						NM				
Dianne Harley	P	P	P	P						NM				
Tony McDaniel	A	P	A	A						NM				
Kirsten Katzenbach	P	P	P	P						NM				
Daquan Reinhardt	A	P	A	P						NM				
Marshall Ford	A	A	P	P						NM				
P=Present	A=Absent			NM=No Meeting	NQ= No Quorum									
*Attended Virtually														