

The special joint meeting of the Petersburg City Council with Petersburg Planning Commission was held on Tuesday, September 2, 2025, at the Petersburg Public Library. Mayor Parham called the meeting to order at 5:02 p.m. The meeting video link is <https://petersburgva.new.swagit.com/videos/354309>

1. ROLL CALL – CITY COUNCIL:

Present:

Samuel Parham, Mayor – Ward 3
Darrin Hill, Vice Mayor – Ward 2
Marlow Jones, Councilor – Ward 1
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:

Present from City Administration:

City Manager John “March” Altman, Jr.
City Attorney Anthony C. Williams
City Clerk Tangi R. Hill

ROLL CALL – PLANNING COMMISSION

Present:

Marshall Ford, Chair
Dr. Diane Harley
Tony McDaniel
Kristen Katzenbach
Dr. James Norman
Fenton Bland

Absent:

Alvin Cannon, Vice Chair – (Late)
Aku Reinhardt
Thomas Hairston – (Late)

Present from City Administration:

Jared Crews, Interim Director of Planning and Community Development
Tyler Jackson, Planner I

2. DETERMINATION OF THE PRESENCE OF A QUORUM:

A quorum was present for the City Council and the Planning Commission.

3. OFFICIAL PUBLIC HEARINGS

- a. Public Hearing and Consideration of an Ordinance to Approve a Request by Chris Winslow of Winslow, McCurry, & MacCormac, PLLC, on Behalf of SP-Thirteen Properties, LLC, for a Special Use Permit to Operate an Assisted Living Facility at 36 West Fillmore Street, Parcel ID 022360001, in the R-B Office-Apartment Zoning District

Jared Crews, Interim Director of Planning and Community Development, provided an overview of the item. He explained that 2025-SUP-03 was a special use permit request for an assisted living facility

at 36 West Fillmore Street, located in the R-B Office-Apartment Zoning District. The property was approximately 1.3 acres on the corner of West Fillmore and Harrison Streets. He stated that the applicant's request was to operate an assisted living facility within the existing building on that property. As of 2023, a special use permit was required for an assisted living facility use within the City.

Mr. Crews stated that the Zoning Ordinance defined an assisted living facility as a residential facility where more than eight residents received assistance with activities of daily living or therapeutic care, regardless of whether they were licensed by a governmental agency or not. The Zoning Ordinance also stated that special use permits could be granted if public health, safety, and welfare were not adversely impacted and if safeguards were put in place to protect surrounding properties, persons, and neighborhood values.

Mr. Crews said that he would provide some background information on this specific property. It had been historically used as an assisted living facility through multiple entities over the years. Originally built in the early 1950s as the Petersburg Home for Ladies, the facility operated until September 2022, when the Fillmore Place facility ceased operation after having its license revoked by the Department of Social Services. The applicant, SP-Thirteen Properties LLC, purchased the property in October 2022 and completed renovations on the building over the next couple of years with the intent of reopening the facility as an assisted living facility.

Mr. Crews stated that the Zoning Administrator had previously determined that the assisted living facility use was considered legally nonconforming due to the owner having obtained vested rights during the two-year renovation period. However, this determination was challenged and ultimately overturned by the Board of Zoning Appeals (BZA) in April 2025, which meant that a special use permit was required to reestablish the assisted living facility use.

Mr. Crews stated that the applicant was requesting to operate a facility with between 50 and 60 beds for residents within the existing approximately 22,000 square foot building. The site included an off-street parking area, a central courtyard, and an outdoor terrace. The interior of the facility included resident rooms, a day room, dining and laundry facilities, and office, kitchen, and storage areas for staff.

Mr. Crews stated that the applicant was seeking a new license from the Department of Social Services to operate as an assisted living facility, offering services such as medical oversight, therapeutic programming, management for medication and nutrition, meals, and laundry provided on site. He said that 24-hour staffing and supervision would be provided on site, as stated in the application. The application also included an overview of the property's parking areas, floor plan, courtyard, and terrace area, as well as the surrounding zoning and uses.

Mr. Crews stated that a majority of the parcels surrounding the property were within the R-B Office-Apartment District, while some parcels to the south and east of Harrison Street were in the R-3 and R-5 Zoning Districts, respectively. He noted that Elora Gardens, an age-restricted apartment complex, was directly across the street. When comparing the request to the Comprehensive Plan, a few considerations came into play.

Mr. Crews said that this area was designated as a historic core neighborhood on the Future Land Use Map (FLUM), characterized by its historical development pattern and focus on neighborhood and existing patterns. Senior housing was listed as a primary land use within these areas, along with a mix of other residential uses and community-based uses such as schools, churches, and community centers. He further explained that the principles of development for historic core neighborhood areas included the renovation and reuse of existing structures, diversity amongst housing types and resident types, and the encouragement of community-based uses.

Mr. Crews stated that the application emphasized the focus on older individuals and aging in place, a concept that would become increasingly important as Petersburg's population of older adults continued to grow. Housing options like assisted living facilities could provide seniors with routine medical care and daily support while allowing them to stay within their community.

Mr. Crews stated that in order to ensure the site met the intent of the SUP application, staff proposed the following conditions: the site and facility would be developed and maintained in accordance with the provided site plans and elevations and floor plans; the facility must obtain and maintain the necessary licensure through the Department of Social Services, and failure to maintain active licensure may result in review and possible revocation of the special use permit; qualified staff must be on site 24 hours a day, and repeated, substantiated complaints about adequate staffing and supervision may also lead to review and possible revocation of the permit.

Mr. Crews continued to review the recommended conditions, which included: the permit served as approval for the use of the property as an assisted living facility for the aged and infirmed individuals as described in the application, and any expansion of the scope of services, including using the facility as an outpatient clinic or inpatient medication-assisted treatment, was prohibited; the facility would be limited to a maximum of 60 beds for residents, and any expansion beyond that number would require an amendment to the special use permit; the development shall include amenities for residents, such as outdoor seating areas.

Mr. Crews stated that in addition to the previously mentioned requirements, the on-site dumpsters must be placed within an enclosed enclosure with opaque screening; any new owner or operator of the facility would need to register and certify with the Zoning Administrator, confirming that they were undertaking similar endeavors on the property and that their operation would comply with the approved permit; and finally, this permit may be revoked by the city council or its designated agent if the facility failed to comply with any of the listed conditions or federal, state, or local laws.

Mr. Crews concluded that the proposed use, as described in the application, appeared to align with the Comprehensive Plan and the historic core neighborhood area, given the property's historical use as an assisted living facility and the existing mix of residential use types in the area. He noted that there had been serious issues with the facility that operated in this location in the past, and some neighboring residents continued to express concerns about resident supervision and potential negative community impacts. However, the property owner had made a significant investment in the property's use as an assisted living facility prior to the determination that the use was not legally nonconforming.

Mr. Crews stated that the applicants were now following the recommended process, which involved seeking a special use permit. The property owner was not affiliated with the former Fillmore Place operation that was shut down by the state. To address the concerns of the neighborhood and mitigate potential negative impacts, staff recommended including conditions of approval that prioritized the provision of quality services to residents while also implementing safeguards to address neighborhood concerns.

Mayor Parham asked if the applicant had a presentation.

Chris Winslow, representing SP-Thirteen Properties, stated that this application was for the OneSource Assisted Living Center, a special use permit for a licensed assisted living facility at 36 West Fillmore Street. He noted the need for an assisted living facility in Petersburg and the surrounding area. According to the National Institute of Health (NIH), they could expect 4 million more baby boomers to reach the age of 80 over the next five years. Currently, 16.7% of Petersburg's residents were over the age of 65, and this trend was expected to increase. As they referred to assisted living, he wanted to clarify that it specifically referred to assistance with daily living tasks, medication management, and personal care for elderly individuals.

Mr. Winslow stated that there were limited affordable senior care options available, with 16 in the area and demand increasing. He said that he also wanted to clarify that assisted living facilities were a different level of care than a nursing home, serving as a bridge between independent living and nursing care. The proposed facility would offer 24-hour medical supervision and provide professional oversight to ensure that residents received additional care if needed.

Mr. Winslow stated that they were seeking licensure with the Department of Social Services, which was currently pending. Mental health support was also essential, as social isolation and structured activities could significantly impact residents' well-being. They were incorporating activities such as exercise groups, reminiscing sessions, and community events to promote socialization and reduce depression and anxiety. Their facility would also prioritize enhanced public safety through 24-hour staffing, natural surveillance, key card security, and cameras. This would ensure a consistent level of safety for both residents and the surrounding community, which would be professionally monitored.

Mr. Winslow stated that regarding community stability, they would have professional property management to ensure the property was occupied. He believed their ideal number of residents was between 50 and 60. Since there were no single bedrooms, each room would have at least two occupants. A few rooms were larger and could accommodate three if they reached the 60-resident limit. The economic impact was also crucial to address. This project would create employment opportunities in healthcare, administration, and support roles, as well as professional development opportunities for those with existing jobs.

Mr. Winslow stated that they had already seen some property tax revenue generated from this property. They anticipated that visits from family members would stimulate local commerce. Assisted living was beneficial because it reduced emergency room visits. With medical monitoring in place, they could ensure residents received proper care without sending them to the emergency room; this was a cost-effective approach to healthcare. Staff had discussed aging in place, which was a significant issue. Keeping seniors in their homes, maintaining neighborhood continuity, and adding diverse housing stock were all positive outcomes. This concept was not only beneficial for Petersburg but also for communities nationwide.

Mr. Winslow stated that they foresaw intergenerational program opportunities and community programming, which would involve volunteer engagement and community involvement. Regarding traffic and noise, according to the Institute of Traffic Engineers (ITE) Handbook, a typical bed in an assisted living facility generated 2.6 trips per bed, which was lower than the current zoning for apartments, which was 6.65 trips per unit. The proposed facility would maintain quiet operations and minimize parking demands, as evident in the architecture.

Mr. Winslow noted that the \$1.8 million renovation of the facility had increased the assessed value of surrounding properties. He said that he was happy to share the letter from the City Assessor's Office. They would maintain a neat and well-maintained exterior and interior, with professional landscaping and upkeep. The applicant accepted all the conditions proposed by staff.

Mayor Parham opened the public hearing.

Julian Green, Jr., 1625 Blair Road, Petersburg, stated that he was here at today's special meeting to render his feelings and observations regarding the area where the structure is located. He said that he was a member of the First Baptist Church on Harrison Street, former executive director of the Mary Carter Beacon House, had worked with Sycamore Towers, and the Lafayette House had given him insight into the types of operations that existed in this area. He said that with specific emphasis on the Poplar Lawn Historic District, they had seen, time and time again, that despite efforts to revitalize or rebrand an area, the underlying issues and uses of the property remained unchanged.

Mr. Green said that they had witnessed individuals integrate into the community, and he was sure that Council had seen firsthand how that did not work very well. He said that he would like to conclude

by referencing a quote from Shakespeare, which was that they found in their current times their science and history being challenged. He asked Council to reflect on what their science indicated and what their history indicated in terms of their present conditions. To that avail, he was here because in three particular categories, they came for those in number one, then came for people in number two, and then when they came for number three, there was no one there to help. He stated that this was not the right time nor the right place to establish a business or association in the Poplar Lawn Historic District.

Mark Parson, 13819 Sycamore Village Drive, Midlothian, Virginia, stated that he was a former National Football League (NFL) player for the Houston Texans and New Orleans Saints. He said that he would like to express his strong support for the Fillmore Assisted Living Project in their City. This will be a tremendous asset as it will provide seniors with the high-quality care they deserve, and it will prevent families from having to look outside of the City for these essential services. Most importantly, it will give Petersburg the opportunity to honor and care for its elderly, the very people who built this community with dignity and respect right here at home.

Katrina Parker, 1700 Monticello Street, stated that she was in support of this initiative. She said that she was born and raised here in Petersburg, and she was in support of this initiative because she had had long-standing affiliations with the City. She said that she had worked with many of the populations who would be well served by this initiative. She said that as a housing case manager, she had worked with many of their residents at Sycamore Towers, Carriage House, and other facilities. Personally, she had experienced the limitations of assisted living services in this area.

Ms. Parker said that when her mother and father, both City residents, became ill and needed assisted living services, she wanted to keep them close to home, but unfortunately, there was no availability. She said that given this, she believed this initiative would be a valuable asset to the community, helping their citizens find comfortable and reliable assisted living options. She said that many of the existing facilities were subpar, and the ones she had worked with had not met the needs of her clients. She said that she had confidence that OneSource would bring exceptional services to this community.

Zelda Tucker Dugger, 922 High Pearl Street, stated that the structure that hopefully would be opening was something they desperately needed. She said that it appeared that this community was now attempting to revitalize itself, and she thought this project would be a significant step forward. She said that looking at the former building here, it was there for a long time, and nothing was done. She said that but now, revitalization efforts are underway, and she was grateful that someone had taken the initiative to do provide a quality, affordable assisted living facility. She said that she lived adjacent to a structure that she hoped would be successfully revitalized, and she hoped that Council's support would provide this assisted living facility to the City.

Adrienne Broom, 15012 Enmore Drive, stated that she was here in support of the Fillmore Project, which sought approval to operate an assisted living facility for older adults. She said that as many of the Council Members were aware, their communities were experiencing rapid growth in the number of older adults requiring safe, supportive housing options. Families were searching for high-quality facilities where their loved ones could receive compassionate care close to home. This project directly addressed that need by creating a safe space where older residents, regardless of their economic background, could live with dignity, security, and community connection.

Ms. Broom said that most importantly, it allowed their seniors who built and shaped this community to remain close to family, friends, and familiar surroundings. She said that she understood that neighbors may have concerns about traffic, noise, or the character of the neighborhood. From her experience, OneSource Group consistently demonstrated a commitment to being a good neighbor. She said that she appreciated how this facility was designed to blend seamlessly with the surrounding area, maintaining residential charm, and ensuring that traffic flow and parking were well managed.

Ms. Broom said that in closing, she asked for Council's support in approving this application. She said that this facility represented more than just a business; it was a promise to care for those who once cared for them, strengthening their community and honoring the history of Petersburg by providing peace of mind for families who wanted the very best for their loved ones.

Cherie Parson, 9120 Cardiff Road, stated that she was glad to stand in support of SP-Thirteen Properties by way of OneSource Community Services. A former member recently spoke about revitalization, and she said she could not agree more; that was exactly what this was. She did not have personal knowledge of events prior to 2022, but they had all seen the news articles and the impact it had on their City and the facility residents. They had heard those stories many times since then. However, they were here today to focus on revitalization. There was a need, and she would like to highlight the exceptional facility that OneSource had to offer. With a great heart and compassion, they aimed to serve their community.

Ms. Parson said that when considering their elderly, she wanted to be able to care for her loved ones herself, so she could keep a close eye on them. OneSource stood for transparency and going above and beyond, as demonstrated by their commitment to the well-being of people. She had witnessed this firsthand through their work with organizations like OneSource, particularly with SP-Thirteen Properties and companies owned by OneSource. This was an incredible opportunity to revitalize a part of Petersburg and serve the needs of their citizens.

Calvin Duncan, 1300 Baltney Lane, stated that he was in support of OneSource. He strongly believed that it was crucial for them to continue developing and supporting their seniors. He said that they needed a place to call their own, a safe haven where they could heal, find happiness, and have hope. He was impressed with the facility, which he believed was of the highest quality.

Mr. Duncan said that to enhance Petersburg, they must recognize that sometimes they needed to introduce new things to achieve new results. He said that he appreciated Council taking the time to hear his thoughts. As a preacher, he could have spoken at length, but he would conclude here. He stated that he believed it was essential that they consider implementing this facility in Petersburg that could provide their seniors with a sense of hope, happiness, and healing.

Lisa Ferguson, 6331 Harborside Drive, Midlothian, Virginia, said that she was absolutely in support of opening OneSource Assisted Living. She said that she had worked for Mr. Parson for 16 years, and she had always known him to be of excellent moral character. He said that he genuinely cared about the facilities they had and the residents they served.

Ashley Panar, 1025 Baylors Lane, said that she was here in support of OneSource. She said that she was currently an employee of OneSource, having been employed with them for approximately eight years. She said that previously, she worked at Tri-City Garden Villa, formerly known as Fillmore Place. She said that she would like to speak about the difference in services provided by Mr. Parson. She said that in her current role as a residential supervisor, she was responsible for ensuring that their staff properly cared for their clients, including medication management, safety, and other essential aspects.

Ms. Panar said that with her past experience in this field, and as a native of Petersburg, she understood the importance of quality services and assuaging the concerns of neighbors of the past Fillmore Place. She said that she believed that the services provided by Mr. Parson met were above par, and she was confident in his ability to address any concerns that may arise.

Ting-Yi Oei, 116 Liberty Street, Petersburg, stated that he had three major concerns that he would like to address. First, he wanted to emphasize the importance of adhering to proper process and procedures. According to Virginia Code, any proposal must provide reasonable consideration to the existing Comprehensive Plan. However, there was no reference to the comprehensive plan adopted

in May 2024 that addressed the type of assisted living facility being proposed, which was specifically different from senior housing.

Mr. Oei said that he wished to offer some information from the Comprehensive Plan as reasonable consideration. He said that the Comprehensive Plan stated that when a development or rezoning application was submitted, the City Council and Planning Commission must ensure that the application met ordinance standards and contributed to the implementation of the Comprehensive Plan.

Mr. Oei said that specifically, from page 67 of the document, blight abatement in historic districts, it stated that preserving historic districts "paved the way for infill that is complementary to the surrounding neighborhood and is compatible with existing neighborhood character." The City should establish a data-driven real estate database to include property records, maps, and code violations to support code enforcement and policy development efforts. Ultimately, further study will be necessary to develop a comprehensive blight abatement strategy. This should be a short-term high priority."

Mr. Oei said that additionally, he was concerned about ongoing issues of compliance with City codes. The new owners did not have experience in this specific field of assisted living, and they were painfully aware that code compliance was overwhelmed in efforts to enforce existing violations, particularly those related to R-3 housing. In previous hearings, it was determined that proper procedures were not followed by the applicant, specifically with regard to the expiration of the special use permit application deadline. Secondly, he was concerned about the overall health of the City. They currently ranked 133rd out of 133 Counties and Cities in the Commonwealth in overall health.

Mr. Oei said that given their current capacity to meet community demands, adding another facility without ensuring adequate resources or monitoring was irresponsible. They had a dire shortage of primary care physicians and specialists in geriatric care that were not addressed in the owner's application. He was skeptical about the owner's assurances regarding the responsible operation of this facility. He also firmly believed that the City's position should be to maintain the integrity of what a residential R-3 community should be. They have seen a revival in residential housing in their area, with dramatic improvements in the last few years. They wanted to encourage this development and make it of continued interest for homebuyers and builders to restore and construct homes in their residential area.

Diane Curling, 116 Liberty Street, stated that she thought they were taking a slightly off-track approach to the discussion tonight. She said that they were not solely discussing whether they needed more assisted living or housing for the elderly. While she was in support of housing for the elderly, she believed it was essential to consider where such facilities should be located and how it should be done. Currently, they already have significant traffic on Harrison Street, Liberty Street, and Fillmore. She did not think this one-block area of Fillmore Place could handle the added traffic from staff, residents, and their families.

Ms. Curling said that another concern was that this was a historic district, and she believed the original building here, constructed in 1936, had been a beautiful 90-year-old red brick structure. Unfortunately, OneSource had made significant changes, including painting the building an ugly prison gray color, replacing the original wood windows with vinyl windows, and removing the original slate roof without replacing it with an inappropriate alternative. She stated that this was a historic district where an organization had been given the opportunity to restore a historic building with their resources but instead had blatantly disregarded the historic district requirements. She emphasized that any other property owner in a historic district would not be allowed to make such poor-quality renovations to a historic structure. She asked Council to consider that this organization may do well with an assisted living facility, but not in this historic district that already had traffic issues. The organization had already been given too much leeway for this to be in a historic district.

Malcolm Schweizer, 18 East Fillmore Street, stated that he also owned a business here in Petersburg, which he relocated to this City from the Virgin Islands approximately four years ago. He had become a steadfast member of their community since his move. When he established his business here, he researched properties to determine the best location and found there was a variety of zoning districts. He inquired if there were any ways to amend or change the zoning designation. He was told that the zoning regulations must be adhered to, and there were no exceptions. It appeared that they were backtracking on this part of the Zoning Ordinance.

Mr. Schweizer stated that he had purchased a historic home on Fillmore Street, as he was very interested in history and had served on a Historic Trust in his previous community. He said that he knew that the subject property's building had not been restored according to the Petersburg historic preservation guidelines. He said that he had a note posted on his own home, stating that any changes to the property must be approved by the historical guidelines, which included specific color restrictions. Unfortunately, the building was not constructed in accordance with these guidelines, as evidenced by the different color and non-wooden windows.

Mr. Schweizer said that it had previously been stated that the place that was in this location before OneSource was a different entity, but he would like to reiterate that it was the same type of facility. In a previous meeting, it was stated that this would be an assisted living facility focused on the elderly; however, he was intrigued that the applicant had highlighted mental health as a focus for this facility. This was not what was originally stated, so he was concerned that the applicant may change the purpose of this facility when it was operational. He stated that he believed this facility would bring down property values, which had happened with the previous assisted living facility.

Michelle Murrills, 131 South Market Street, stated that the building in question was originally the first Petersburg Home for Ladies, a legacy that carries a certain cache and sets a standard for all assisted living facilities. She said that it was hard to believe that someone who had navigated so many underhanded deals would now adhere to the City's rules and regulations that had been historically upheld. This was not just about one building; it was about a flawed process that pits the Planning Commission against City Council, forcing them to capitulate personal interests.

Ms. Murrills stated that many citizens had inquired about this property for the past three years, at least once a month. They were repeatedly told that nothing was happening, with no permits requested, no plans submitted, and no movement within any City department. They did not just ask the Planning Department; they asked the former director, Ms. Siodmok, the Planning Manager, Mr. Crews, their City Council Members, Chief Reed, Max Gorman, and the answer was always the same: routine maintenance.

Ms. Murrills stated that at a public meeting in February 2025, it was revealed that a Certificate of Occupancy had already been signed on December 5, 2024. It was puzzling that for months they were told nothing was happening, yet approvals were quietly pushed through behind closed doors. She asked why those who live, work, and pay taxes here were expected to follow every law, rule, and regulation, while outside investors seem to operate above them?

Ms. Murrills stated that this double standard was not only unfair but also unacceptable. Municipalities across the country routinely enact zoning ordinances that restrict certain residential developments to seniors, often setting minimum age limits, such as 55 and older, to meet the specialized housing needs of aging populations. If the applicant intended to market this facility as a place for aging in place, then they should have no objection to reasonable age restrictions; in fact, they should welcome them. There was already a 55-plus apartment community directly across the street, which would align perfectly with the character and needs of the neighborhood.

Ms. Murrills stated that what was truly alarming was the rumor that if this proposal passes, there would be no inspections, no oversight, because City Council allegedly planned to exempt this business from routine checks; that was unacceptable. She asked who among Council would willingly

place their loved ones in a facility that had been granted a free pass from oversight, where no one would be checking to ensure their safety, dignity, or well-being?

Ms. Murrills stated that this was the beginning of a new Petersburg. They would not allow out-of-town investors to treat their City like a playground for privilege and disregard their laws, rules, and regulations; that was the old Petersburg. Of those who live and work there, who must follow the rules, then so must everyone else. This was about more than one building; it was about fairness, accountability, and the future of their City.

Dr. Pam Struss, 1571 Mount Vernon Street, said that she was also the Executive Director of the Greater Richmond Community Mediation Center. She said that conflicts such as the one being faced tonight were quite common, and Cities often struggled with balancing competing interests. In this case, citizens were deeply concerned about their safety, property values, and related issues, while on the other hand, a business was seeking to provide services for seniors, which, in general, would not be a problem. However, she believed that a significant component of the issue lay in the mental health aspect.

Dr. Struss stated that severe mental health conditions may cause people to be abusive and violent, making it challenging to maintain control on an open campus, and they could pose a threat to the surrounding neighborhood. She expressed concern that these groups had not come together to discuss potential solutions that could benefit everyone. She asked if it was too late to do so now, ensuring that all parties received what they wanted while being protected. The lack of oversight was a significant concern, and it must be addressed. She hoped that when the vote was taken, consideration would be given to all perspectives and that the citizens who currently resided there would be protected.

Dale Mullen stated that he served as legal counsel for Ravenscroft Ventures, Historic Poplar Lawn Association, and a group of citizens who lived near 36 West Fillmore Street. As a veteran of local government and land use issues in Virginia, he was asked to express his clients' opposition to this project. They opposed it as inconsistent with the Comprehensive Plan, the general characteristics of the district and the neighborhood, and as not meeting health, safety, and welfare concerns.

Mr. Mullen said that he was also asked to acknowledge that the applicant's assertion that this proposed was as an opportunity for residents to age and avoid premature nursing home placement, and to continue a historic use that once operated as the Petersburg Home for Ladies, and later as a nursing home run by local doctors. He emphasized that nursing homes were a type of assisted living facility, and this proposed use would not be a nursing home. The applicant's special use permit and staff's memorandum create the impression that this is, in fact, a nursing home, but this impression was an illusion.

Mr. Mullen stated that a statement made in this public meeting was not binding on the applicant or future applicants unless it appeared in the special use permit. They could all agree that quality residential options for older adults were necessary and, sadly, lacking. Nationwide, it was crucial for them to help and support their seniors. However, the special use permit conditions did not provide for the protection of older adults, aging in place, or age-dependent housing. These were lofty goals with big promises that were not supported by enforceable special use permit conditions.

Mr. Mullen stated that there was no protection for the 5,572 seniors needing housing. He stated that there was no condition that addresses the legal framework for the story told tonight. Every condition drafted by staff and every licensing requirement cited by the applicant referred exclusively to a generic assisted living facility, licensed by the Virginia Department of Social Services (DSS). They had made it clear: assisted living facilities are not nursing homes.

Mr. Mullen stated that under Virginia law, a nursing home was defined as a facility whose primary function was the continuous provision of nursing and health-related services. If they intend to operate

a nursing home, they must apply for a nursing home license and submit the necessary application. The SUP currently before the City Council and Planning Commission was inconsistent with the promises made. There was no Virginia Department of Health licensing mandate, no requirement for skilled nursing staff, and no operating conditions that would apply to a nursing home.

Mr. Mullen stated that in summary, while the narrative presented to the public evoked a traditional nursing care setting for their elders, a noble goal, the legal instrument being asked to approve governs a different type of care. Unless and until the application and its conditions were amended to match the depiction advanced by the applicant, the SUP should be denied. Anything less misled the public, detracted from the stated goal of providing for the senior citizens of this community, and left the City of Petersburg without enforceable safeguards for its citizens that were equal to the use the applicant promoted.

Mr. Mullen stated that this application was not a plan for a nursing home; these were not conditions for the aged and infirmed. This was a plan for any possible use that could qualify, broadly put, as assisted living, and in the words of their own City code, whether licensed or not. It was not a difficult thing to craft special use permit conditions that addressed exactly what the speakers had asked for and what everyone wanted. He encouraged the Planning Commission and City Council to take the time to do that for the aged and infirmed, the senior citizens, and every single citizen, visitor, and worker in the City of Petersburg.

Conway Boyce, 215 South Jefferson Street, Petersburg, said that he believed it was unfortunate that they were at a crossroads where an organization appeared to want to provide a quality service for seniors, but it was evident that residents in Petersburg had not been adequately involved as stakeholders in the planning process. It was clear that a significant investment had been made in the Comprehensive Plan for Petersburg, with many stakeholders present to create it. However, there did not appear to be any reference to whether the Comprehensive Plan was meeting the needs of the community.

Mr. Boyce suggested that the Council re-examine the assessment process to ensure that the plan meets the needs of both the City of Petersburg and its stakeholders. He said that it was essential that the Council took the needs of the community seriously and provided a means for stakeholders to have a voice and ensure that their interests were represented. He strongly suggested that the Council do not take this lightly and revisit the assessment process to ensure that the community's needs were being met through the goals of the Comprehensive Plan.

Ken Pritchett, 113 Overbrook Road, stated that the two previous speakers had effectively summarized the main points. It was clear that they needed this type of facility, particularly for their elderly citizens, including himself. He believed it was essential that they focus on getting it right. He believed that Council had heard a lot of valuable information from various sources tonight. Rather than reiterating what had already been discussed, he would like to emphasize three key points: first, they needed this facility; second, they must do it correctly; and third, they should send it back to make sure it was done right.

Lawrence Ellis Williams stated that he was the architect on the project and was familiar with the history and timeline. He emphasized that Mr. Parsons successfully renovated the building in a timely manner. He said that the applicant had to work within the existing building code, which required maintenance and repair of existing conditions, so they did that. He said that the second issue that arose was the time frame they took to complete the building. Mr. Parson worked with excellent subcontractors and completed the project on schedule. He said that he met the two-year timeline.

Mr. Williams said that in fact, he received input from the building commissioner, who worked with them on a monthly basis. When there were delays, they were largely due to unforeseen conditions, such as working with the new Fire Marshal and the new building inspectors. He stated that additionally the Fire Department had to destroy part of the building, and they needed to redo the sprinkler system.

He stated that some of the delays were a natural result of this process, and they resulted from both the applicant and the City.

Mr. Williams said that he had previously worked with the City on the USO banquet facility, located about two blocks away from this project. He emphasized this because when one mentioned something as being a historic neighborhood, they now recognized that they should be diverse and inclusive of various ethnic groups. This neighborhood already exhibited this diversity, and he believed it was crucial that they respect this in their application. As an architect, he believed in diverse neighborhoods with a mix of ethnic groups and related facilities.

Mr. Williams stated that the parcels surrounding this building were primarily vacant, with only one or two historic houses in the area. The people who purchased these houses were aware of the neighborhood's existing structure. When it came to adjacent properties, the only development that would occur was a mixed-use project, which would be compatible with the nursing home. He said that the nursing home was consistent with the comprehensive plan.

Mr. Williams said that they had conducted their due diligence to ensure that they were a good planning fit for this area. He reiterated that this was not a deeply historic, specific location with several historic houses adjacent to it. Rather, it was a mixed-use development, which was what some developers wanted to achieve. This was compatible with the Comprehensive Plan, and he encouraged them to recognize that they needed to move this project forward. Mr. Parson had invested \$1.8 million in the building, and they could not stop a person who had done so much work in good faith with the City.

Richard Murphy, 221 South Jefferson Street, stated that he lived just a few blocks from the proposed facility. He said that he would like to address a couple of the concerns that were raised earlier today. He said that primarily, he was concerned about the lack of transparency throughout the application and zoning process. The exemption process had been applied inconsistently to different individuals, and there had been a significant change in the project's purpose, from a drug rehab center to an assisted living facility, without adequate explanation.

Mr. Murphy said that as the attorney had pointed out, there was nothing really stopping the use from changing back to a drug rehab facility or something else. He said that his concern was that the lack of transparency had led to a lack of confidence in the process. He said that they had heard that the applicant spent \$1.8 million on this building, but he should not have spent that money because it was clear the property was not zoned for this use. They should have gone through the zoning process first, and it was not the citizens' responsibility to ensure the applicant's investment was sound.

Mr. Murphy said that he was troubled by the City Attorney's decision to perform legal gymnastics and reversing City zoning administration to justify legal exemptions for outside investor dollars. He said that this lack of transparency and accountability eroded the trust that citizens had in the process. He strongly concurred with others who had suggested that they should go back and do this the right way, with transparency to the citizens who would be affected by this project. This meant that the proper exemptions should be clearly outlined, and the facility's purpose should be subject to enforcement, and staffing should also be adequate to meet the needs of the facility, and that the permit aligned with the Planning Commission's intentions.

Sharon Johnson, 619 Sutton Street, stated that as with any project, there were pros and cons. She had heard a lot of concerns from people here tonight. She said that they should focus on working out the issues with this application so that they could serve the people who would benefit from this proposed facility. She believed that the seniors of Petersburg needed this type of facility, and she supported the application for that reason. She noted that if the facility did not serve the people of the City, the people could choose not to participate. She hoped that this facility would in fact serve people of the community and build a better sense of community. She said that if the negative aspects could be mitigated, then they should do that and focus on the positive aspects that this assisted living facility

would bring. She stated that they should do the best they could for the people who needed a facility such as this in Petersburg.

Andy Dernan, 14 Marshall Street, stated that he had no issue with an assisted living facility, as he believed it could provide a safe and caring environment for seniors. He said that his own grandmother had required such care, and he could attest to the difficulties in finding a suitable facility. What he found incomprehensible was that the insinuation that the proposed facility may not be subject to regular inspections or accountability. The previous facility in this area had been deplorable, with residents left to sit in the yard, catatonic and without proper care. He said that he was appalled by the conditions, especially in a residential area.

Mr. Dernan reiterated that he had no problem with assisted living, but they must ensure that this facility met standards and provided a safe and dignified environment for its residents. He urged Council to hold the facility accountable and approve it only if it met the necessary criteria.

Bob Rogers, 207 Marshall Street, stated that he lived in the Poplar Lawn Historic District. He strongly opposed the special use permit for this facility. He said that a key factor here was the concept of trust. Unfortunately, many residents in the Poplar Lawn Association and neighborhood had lost trust, largely due to concerns about the City's handling of elderly care facilities, particularly group homes. He said that the City's track record on this issue had been concerning, with an excessive number of both legal and illegal group homes operating in Petersburg.

Mr. Rogers said that as a result, many people had lost confidence in the City's ability to manage these facilities effectively. He said that in his opinion, this facility was not suitable for the historic aspects of Poplar Lawn. Furthermore, the City's past experiences with the Fillmore facility, as mentioned by Mr. Dernan, raised serious doubts about the potential consequences of this project. He urged the Council to deny the special use permit. He stated that he had lived in Petersburg for six years, but due to the ongoing, widespread shenanigans in the City, he had listed his home for sale, and his family would soon be leaving Petersburg.

Joel Erb, 414 Harrison Street, stated that he lived directly across the street from the facility and had lived across from Fillmore Place when it operated out of this building. He said that he worked with the state to have it closed due to the state's inability to effectively address the issues, including reports of individuals being intoxicated on his property. While the applicant was requesting a special use permit, the only other operations they handled related to substance use. He noted that the City had all of the supporting documentation in that regard.

Mr. Erb said that he would be completely satisfied to have a senior living facility as his neighbor across the street, but he could not approve of anything similar to what had been there before. He spent two years trying to get Fillmore Place shut down, and to have the same type of facility be its replacement was unacceptable. He said that the architect for the project had downplayed the historic significance of the area, and he would like to correct that. He said that just down the street from this facility was a safehouse at which Martin Luther King, Jr. had stayed at, and one of the oldest African American Baptist Churches in the country was one block away.

Mr. Erb stated that he loved this area, and he was committed to preserving the beauty of the neighborhood. He said that he could not understand how this type of proposal had gotten to this point, other than the obvious motivator of money. He said that after discussion with someone who knew Mr. Parson two years ago, he was convinced that his facilities should not be located in this area. He said that as a resident, investor, and concerned citizen, he could not support the special use permit application and was disappointed at the position the City had put him in.

Kay Freeman stated that she and her husband owned two properties in Poplar Lawn: 221 South Sycamore Street and 225 South Sycamore Street. They had owned these properties for over 32 years. One thing about longevity was that they could see everything come and go. In the last five to

ten years, she has seen revitalization in the historic Poplar Lawn area. She said that new people have moved in, with lots of energy created in the neighborhood. With houses being restored, properties being spiffed up, and a real energy going on that she had seen there in many years.

Ms. Freeman said that therefore, it was very defeating to the people who had spent a lot of money restoring properties in that neighborhood, including the significant amount of money spent on cleaning, policing, and maintaining the neighborhood. This added up to a substantial amount, although she did not know if it added up to Mr. Parson's \$1.8 million. As a property owner, they spent a lot of money on them. She said that regarding traffic, there was no way to avoid South Sycamore Street if one was trying to get to this facility unless they wanted to detour all around the City of Petersburg.

Ms. Freeman said that she believed that as taxpayers, they had stood behind the City of Petersburg in that neighborhood, where many senior citizens currently resided. They had not fled the City during its bad times; they had been there for the good and the bad. She requested that Council consider the concerns of the Historic Poplar Lawn Association and to deny the application.

Crystal Brown, 733 Confederate Avenue, said that what she had heard repeatedly this evening was a lack of transparency and issues with the zoning process. She said that it appeared that the zoning had not been cleared before this company had invested heavily in the property. She said that if that was true, it left them at a crossroads. Moving forward, she would strongly encourage the Council to follow the rules and regulations as outlined, ensuring that potential businesses could have confidence in the City's business practices. She said that as a lifelong resident of this City, born and raised here, she had a deep love for it. She said that she hoped that they could move forward with transparency, with all due respect. She said that it was essential that they adhere to their guidelines to avoid similar mishaps in the future if that was indeed the case.

Mayor Parham closed the public hearing. He asked if Mr. Winslow would like to address some of the concerns raised by the public.

Mr. Winslow said that he would like to clarify a few points regarding the renovation of this building. He said that Mr. Parson, seated next to him this evening, had worked closely with every department in the City to renovate this building. He said that he had been informed early on by the previous Zoning Administrator that he had a vested right to use this building for assisted living purposes and had begun investing in the project. He said that despite some setbacks, including a flood, he had renovated the facility in accordance with the City's code.

Mr. Winslow stated that another point that had been mentioned earlier was that this facility would not be inspected, or that the City did not have the assurances that they would provide the services he had previously discussed. He said that this was not accurate. He said that the Code of Virginia clearly outlined the regulations for assisted living facilities, including staffing, security, education and training, and uniform assessment instruments. He said that for example, Section 63.2 of the Code of Virginia listed specific requirements for licensed facilities.

Mr. Winslow said that in staff's recommendation, they had stipulated that the facility shall obtain and maintain licensure through the Virginia Department of Social Services, to operate an assisted living facility. He said that he wanted to emphasize that they were committed to following these regulations and obtaining and maintaining licensure. He said that they could not do business without the licensure, and they must maintain it in order to continue operations over time. He said that the City did not have to adopt all of the sections of the Code of Virginia at a local level because they were already subject to state code; it did not need to be restated in order for it to apply.

Mr. Winslow said that he also wanted to bring up a few additional points. He said that in addition to the \$1.8 million investment in the building, the architect, Mr. Williams, had discussed the renovation plan with staff early on and had submitted a plan that had accommodated over 60 residents. He said

that these residents were primarily from the local area and were citizens of the City of Petersburg. He said that he also wanted to note that there was a current lawsuit involving Mr. Mullen, who represented a member of the Planning Commission and the Poplar Lawn Historic Association. He said that he believed it was essential for the Council to be aware of this information before voting.

Mr. Winslow said that he also wanted to pass along a letter from the City Assessor's Office regarding the increase in tax value that had occurred since the completion of the renovations on this property. He said that the claim that property values would decrease was not supported by evidence, as they already knew they had increased, and in fact, they had risen at a greater rate than the rest of the City of Petersburg. He said that he was open to answering any questions from the council or staff regarding this matter.

Mayor Parham thanked Mr. Winslow for his response. He asked if the Planning Commission would like to share any comments on this item.

Kirsten Katzenbach, Planning Commissioner, read her statement of conflict of interest into the record. She stated that as a duly appointed Planning Commissioner of the state of Virginia and of the City of Petersburg, hereby stated the following for inclusion in the record of the joint public hearing scheduled for 5:00 p.m. today, September 2, 2025, concerning special use permit application number 25-SUP-03, known as 36 West Fillmore Street. Firstly, she disclosed that she owned real property located at 301 South Jefferson Street and was a member and supporter of the Historic Poplar Lawn Association.

Ms. Katzenbach stated that secondly, the matter before the Commission involved land use action that may affect real property generally, including her property; however, her interest was shared with at least three other persons who were similarly situated, and her personal interest was the same as that of other members of the affected group. Thirdly, due to her interest, which was not unique, and because she would be able to participate fairly, objectively, and in the public interest, she believed she was permitted to participate in the consideration of the Special Use Permit under the Virginia State and Local Government Conflicts of Interest Act. Fourthly, she hereby declared this disclosure on this second day of September 2025 and requested that it be entered into the minutes of this meeting and filed with the Clerk.

Mayor Parham asked City Attorney Williams to respond to Ms. Katzenbach's representative regarding her ability to participate in light of her disclosure.

Anthony Williams, City Attorney, stated that there was an exclusion under Section 2.231.12 of the Code of Virginia, which roughly mirrored what Ms. Katzenbach was referring to. However, he would like to note that Ms. Katzenbach was specifically identified as a petitioner in the lawsuit that this case was based on. She was a named participant in that lawsuit and had proffered testimony to the BZA, indicating that her property was uniquely impacted by the proposed development, which in his opinion could cause her to run afoul of Section 2.231.12. However, the main concern, however, would not be the Conflict of Interest Act, but rather the City's Code of Ethics for employees, as identified under Section 2.5 of the City Code.

City Attorney Williams stated that this section applied to not only members of Council and employees but also to members of Boards and Commissions, requiring them to be impartial and responsible in the fulfillment of their duties. It also prohibited City officials and employees from participating in transactions that created a conflict between their private interests or may impair their independence of judgment in the accomplishment of their official duties. As someone on the other side of a lawsuit with respect to this issue, he proffered that if Ms. Katzenbach chose to participate, she would be violating this provision of the Code of Ethics.

Ms. Katzenbach said that she would also like to comment on Virginia Code 2.231.15, which enabled her participation in this process. She said that she encouraged the City Attorney to further look into this statute. She said that she would like Mr. Mullen to weigh in on the matter.

Vice Mayor Hill said that he was unsure if it was appropriate for Mr. Mullen to give legal advice as part of this process. He said that Council and the Planning Commission would be taking the City Attorney's advice in that regard.

City Attorney Williams stated that he had already stated his perspective on the state and City laws on this matter, and his view was that if Ms. Katzenbach chose to participate, it was at her own legal peril.

Council Member Cuthbert stated that he would like to hear what Mr. Mullen had to say.

Mayor Parham said that he did not think it was appropriate as part of this public hearing.

Council Member Jones stated that legal opinions on conflicts of interest could be discussed at another time. He believed it would be prudent for Council and the Planning Commission to continue with reviewing this special use permit.

Council Member Cuthbert read his statement of conflict of interest into the record. He stated that as a duly elected member of the City Council of the City of Petersburg, hereby stated the following for inclusion in the record of the joint public hearing scheduled for 5:00 p.m. on September 2, 2025, concerning Special Use Permit Application 25-SUP-03, dealing with 36 West Fillmore Street, Petersburg, Virginia. He said that first, he disclosed that his home, located at 405 South Sycamore Street, Petersburg, Virginia, was situated approximately half a block from the proposed facility.

Council Member Cuthbert stated that he was a current or past member and supporter of the Historic Poplar Lawn Association. He said secondly, the application for Special Use Permit involved land use actions that may affect real property and generally, including his home. He said that his interest was shared by at least three other individuals who were similarly situated, and his personal interest was equivalent to that of other members of the affected group.

Council Member Cuthbert said that thirdly, since his interest was not unique and he would be able to participate fairly, objectively, and in the public interest, he was permitted to participate in the consideration of this application for a special use permit under the Virginia State and Local Government Conflict of Interest Act. He made this disclosure on September 2, 2025, and requested that it be entered in the minutes of this Council meeting and filed with the Clerk of Council. He stated that additionally, he had served as the registered agent on a pro bono basis, without compensation, and also fulfilled the responsibility of receiving and forwarding the annual report of the Historic Poplar Lawn Association to the State Corporation Commission. He said that he did not consider this to be a conflict of interest.

City Attorney Williams stated that he did not necessarily believe that Council Member Cuthbert had a conflict of interest in this case. He had disclosed all of his potential conflicts, and it was worth noting that the SCC records reflected that he had been the registered agent for at least 25 years for that organization.

Vice Mayor Hill asked if Mr. Crews knew how many assisted living facilities currently operate in Petersburg and how many people resided in assisted living facilities.

Mr. Crews replied that he did not know the exact number. He clarified that assisted living facilities were a distinct use from group homes.

Vice Mayor Hill asked if the Department of Social Services considered this type of facility as an identified need for the City.

William D'Aiuto, Director of Social Services, clarified that their local department did not get involved in the licensing of these facilities, and they would only be involved if they received reports of abuse.

He was unsure of the need aspect, but he personally could attest that his department regularly worked with elderly and disabled people in need of housing.

Vice Mayor Hill asked staff if their opinion was that this proposal was the best use for this piece of property, especially considering another senior living facility was directly across from this building.

Mr. Crews stated that in terms of making use of the existing facility on the site, he believed an assisted living facility for senior residents would be one of the more appropriate uses. There would be a relatively low impact in terms of traffic generation, noise, and public health. He said that the Comprehensive Plan identified a need for additional senior housing, and he did not see any negative impacts associated with another similar use being located across the street. Furthermore, the assisted living facility was not technically an age-restricted facility, so there were some differences between this and the neighboring building.

Vice Mayor Hill asked what the staffing would be for this facility.

Mr. Winslow replied that registered nurses and licensed nurse practitioners would be on staff 24/7, per state code requirements. He noted that this was included in one of the conditions that the applicant had agreed to with the SUP.

Vice Mayor Hill expressed concern that there had been a history of transiency and poor supervision of at-risk individuals in the City, so he wanted to reiterate that supervision was essential in order to keep a sense of accountability and responsibility for people who needed help. He noted that Council's responsibility was to the current residents of the City, not the people who they may be hoping to bring in as future residents. He said that finally, he wanted to ask if this facility would be a nursing home, mental health facility, or a senior citizen community.

Mr. Winslow clarified that it was just an assisted living facility.

Stephen Parson, OneSource, stated that their facility had rigorous rules in place to ensure that they upheld the standards of the community and respected their residents. They were dedicated to upholding the state and local code requirements as well as their own internal regulations. He hoped that they could partner with the Historic Poplar Lawn Association in order to be the best neighbor possible.

Vice Mayor Hill clarified that this facility would be required to follow all rules associated with inspections and City regulations; he did not know where the rumor of exemptions to that rule had originated. He said that he also wanted to mention that Council had seen this situation happen many times where someone spent a lot of money to renovate a property for a specific use, whether it was zoned for that or not, and with many different circumstances. He stated that Council may still have to deny some applications based on the specific conditions of each land use matter.

Council Member Cuthbert expressed concern regarding a document provided to Council had included language that all of OneSource's facilities were classified as substance abuse facilities only. The document then detailed instances of noncompliance and lack of reporting and remediation in many cases and sometimes led to worsening of situations that had to be referred to other agencies.

City Attorney Williams clarified that the document referred to by Council Member Cuthbert had been handed to Council before this meeting and had no identification of the source of the information.

Mr. Winslow stated that he had not seen the document before; however, he would posit that it had no relevance to this proposed special use permit.

Council Member Cuthbert expressed concern that it would be unwise for Council to support establishment of a facility where the owner and operator had a record of noncompliance. He said that

the applicant's message of caring for their loved ones and aging in place was in great contrast to the allegations he just read in this document. He needed to have a deeper understanding of what was going on before moving forward with this SUP. He asked Mr. Crews on what date his office received the special use permit.

Mr. Crews stated that he did not have the date in front of him, but it was included in the staff report provided to Council.

Council Member Cuthbert asked if staff recommended approval of the SUP.

Mr. Crews confirmed that staff felt the recommended conditions would mitigate any potential negative impacts from this development and ensure compliance with City and state laws, and because the applicant had agreed to those conditions, staff recommended approval of the SUP with those conditions.

Council Member Cuthbert asked when staff decided to recommend approval.

Mr. Crews said that today was when he learned the applicant would be accepting all of the proposed conditions.

Council Member Cuthbert asked if it was correct that the recipient of the SUP could transfer the SUP to a different party.

Mr. Crews confirmed that was correct; however, there was a condition that they must file that with the Zoning Administrator so the change of ownership would be on record with the City.

Council Member Cuthbert asked if staff was aware that this facility could potentially accept only residents with behavioral issues, as opposed to only accepting elderly residents, according to administrative code.

Mr. Crews said that he was unsure. He said that he would have to review the code sections with their local regulations and within the context of the application.

City Attorney Williams noted that Council could impose additional limitations on the use by imposing additional conditions on the SUP.

Council Member Cuthbert said that he believed that Council may need to refer this item back to the Planning Commission for further review and potentially limiting the use to only elderly individuals, without disabled residents. He would like Council and the Planning Commission to receive complete documentation from the applicant about their past enforcement and compliance issues, and to determine the number of existing age-restricted housing options in Petersburg.

Thomas Hairston, Planning Commissioner, expressed concern about the City's ability to enforce the intended use of the property and whether the "assisted living" aspect of the application may allow for interpretation.

Tony McDaniel, Planning Commissioner, asked what equipment they would have on-site at the facility in order to prevent emergency room visits.

Mr. Parson clarified that it would not be a nursing home, but they would have nurses and a nurse practitioner on staff. They were also not a hospital nor a clinic, so individuals who needed urgent care would go to an emergency room or primary care physician.

Mr. McDaniel asked how they planned to limit the visits to emergency rooms.

Mr. Parson clarified that the nurses on staff would identify issues proactively and monitor their residents, but he could not specify the exact equipment that would be on-site.

Ms. Katzenbach stated that she would not be voting on this matter, but she wanted to state something for the record. She stated that her interest could not be represented by the City Attorney, and she would require an opinion from the Commonwealth Attorney in reference to the Virginia Code and an independent representative.

Commissioner Hairston made a motion for the Planning Commission to defer further consideration and action on the Special Use Permit Application 2025-SUP-03 for 36 West Fillmore Street until the next regularly scheduled meeting. The purpose of this deferral is to direct staff to return with a revised set of draft conditions. Commissioner Cannon seconded the motion.

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

On roll call vote, voting yes: Reinhardt; McDaniel; Hairston; Cannon; Norman; Harley; Bland; Ford; no: N/A; Abstain: Katzenbach.

Council Member Jones stated that he had heard many comments regarding transparency and trust from stakeholders in the community. He stated that too many times businesses have come into the City, spending lots of money without first checking the laws, rules, and uses. He expressed concern that the opinions presented by the public tonight were ultimately segregated by race; he questioned whether this entire ordeal boiled down to people of different colors not being able to communicate with one another due to prejudice.

Council Member Jones acknowledged that all the concerns raised were valid, but they should have been addressed much earlier in this zoning process. He agreed that Mr. Parson's investment should not be in vain, but they had to ensure they followed a sensible process in which all concerns were addressed fully and equitably. He requested that the community members, the Planning and Zoning staff, and the applicant come back to the table to work through the identified issues.

City Attorney Williams noted that although the Planning Commission had motioned to bring this item back at their next regularly scheduled meeting, the Commission was allowed 100 days to hear this item. The attorney for the applicant had expressed they would like a shortened time period to resolve this application, so he would recommend to Council that they shorten the 100-day timeline to ensure it was heard sooner.

Council Member Myers noted that the applicant had been told by the City that he met the guidelines to pursue the project, so he moved forward. He stated that this application was representative of the improvements they were trying to make in Ward 5, and the work already completed by Mr. Parson had increased the value of the surrounding properties. He expressed concern that the resistance to development was hindering positive growth in the City.

Council Member Myers made a motion to direct the Clerk to schedule and advertise a public hearing in accordance with Section 15.2-228.5(b) of the Code of Virginia for a special meeting to be held immediately preceding the work session on October 7, 2025, to shorten the 100-day period of time for the Planning Commission to report this item, and to require they report the recommendation to Council on this item on or before the regular business meeting of Council on October 21, 2025, at which time Council will proceed with consideration of the item. Council Member Jones seconded the motion.

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

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

4. ADJOURNMENT

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

The City Council adjourned at 7:30 p.m.

Adopted: 09/16/2025

A handwritten signature in dark ink, appearing to read "Sam Parham", written over a horizontal line.

Mayor, Samuel Parham

ATTEST:

A handwritten signature in dark ink, appearing to read "Tangi R. Hill", written over a horizontal line.

City Clerk, Tangi R. Hill