CITY OF EMPORIA

PUBLIC HEARING

1. Architectural Compatibility Review-521 Halifax Street
2. Zoning Code Amendment Request-Architectural Compatibility Review

AGENDA
EMPORIA PLANNING COMMISSION
Regular Meeting
TUESDAY, February 10, 2015 - 6:30 P.M.

ROLL CALL

APPROVAL OF MINUTES

January 13, 2015 ~ Regular Minutes

NEW BUSINESS

15-03 Architectural Compatibility Review-521 Halifax Street
15-04 Zoning Code Amendment Request-Architectural Compatibility Reviews

ADJOURNMENT

PO BOX 511, 201 SOUTH MAIN ST., EMPORIA, VA 23847 TELEPHONE: (434) 634 3332 FAX: (434) 634 0003
Visit Our Website at: www.ci.emporia.va.us

PUBLIC HEARING

1. Rezoning Requests-Southampton Street and Reese Streets

The Emporia Planning Commission held a Public Hearing on Tuesday, January 13, 2015 at 6:30 P.M. in the Council Chambers of the Emporia Municipal Building located at 201 South Main Street, Emporia, Virginia. Mr. Slate presided over the meeting.

Mr. Thompson
Mr. Threat
Mr. Ewing
Mr. Vaughan
Mr. Bryant
Mr. Slate, Chairman
Mr. Short, Vice Chairman
Mr. Lankford

1. Rezoning Request-Southampton Street and Reese Streets

Mr. Thrower stated that Mark Yeattes, Sr. submitted an application to rezone 208 Southampton Street, 210 Southampton Street, and 212 Southampton Street to R-2 Residential District. He is proposing to build rental properties on those parcels. He also stated that City Administration is also proposing to rezone several properties in the same block to R-2 Residential District. Mr. Thrower further stated that all of the properties are currently zoned C-1 Commercial District and are identified as ta map parcel numbers 163-3-19A, 163-1-3-19, 163-1-3-20, 163-1-3-21, 163-3-22, 163-1-3-23, 163-1-3, 24, 163-1-3-25, 163-21-1, and 163-21-3.

Mr. Thrower stated that the properties proposed to be rezoned are a mixed of vacant lots and lots with existing homes. The properties with existing homes are on non-conforming, per Section 90-12 of the Zoning Code. The properties in the immediate area are primarily residential in nature and are zoned both R-2 Residential District and R-3 Residential District. He further stated that the large parcel directly across the street from the lots proposed to rezoned is zoned C-1 Commercial District and is owned by the City.

Mr. Thrower stated the as mentioned the above properties proposed to be rezoned are currently zoned C-1 Commercial District. He stated that according to Section 90-76 (a) of the City's Zoning Code "C-1 commercial districts shall be for the conduct of retail and general commercial business establishments to which the public requires direct and frequent access and is characterized by constant heavy traffic and by noises of congestion…'

Mr. Thrower stated the Mark Yeattes, Sr. and City Administration are proposing to rezone the aforementioned properties to R-2 Residential District. Per Section 90-72 (a) of the City's

Zoning Code "R-2 districts shall be composed of quiet, residential areas plus certain open areas where similar residential development appears likely to occur. The regulations of this R-2 district are designed to stabilized and protect the essential characteristics of the R-2 district, to promote and encourage a suitable environment for family life, and to prohibit all activities of a commercial nature. Development shall be limited to single unit dwellings, providing homes for the residents plus certain additional uses such as schools, parks, churches, and certain public facilities.

Mr. Thrower stated that he recommend these rezoning request to be approved and the properties be rezoned to R-2 Residential District. He stated that the Commissioners will need to make recommendations to City Council regarding these requests. He further stated that City Council will consider these rezoning requests and your recommendations at its January 20, 2015 meeting.

Ms. Ruth Koch of 310 Southampton Street, stated that she felt compelled to come to the meeting to at least give her opinions and views. Ms. Koch stated the property will be used to build rental property and if the City plans to develop Halifax Street, she didn't think rental properties so close would be constructive to businesses. She stated that there is rental all around that area. Ms. Koch stated that there is a lot of illegal activity over in that area. Ms. Koch stated that the pass, they had to call the police two or three times a week. Ms. Koch was concerned about the high volume of activity in the area. She asked the Commissioners to rethink the rezoning and leave it commercial to prevent more rental for being erected in the Southampton Street area for the good of everyone.

With there being no comments to come before the Planning Commission, Mr. Slate declared the public hearing closed.

_____

W. C. Slate, Chairman Date

_____

Darlene Cain, Secretary Date

PUBLIC HEARING

2. Architectural Compatibility Review-210 School Street

The Emporia Planning Commission held a Public Hearing on Tuesday, January 13, 2015 at 6:30 P.M. in the Council Chambers of the Emporia Municipal Building located at 201 South Main Street, Emporia, Virginia. Mr. Slate presided over the meeting.

Mr. Thompson
Mr. Threat
Mr. Ewing
Mr. Vaughan
Mr. Bryant
Mr. Slate, Chairman
Mr. Short, Vice Chairman
Mr. Lankford

2. Architectural Compatibility Review- 210 School Street

Mr. Thrower stated that Carrying the Cross Ministries seeks architectural compatibility review approval to demolish its building located at 210 School Street. He stated that this property has been cited for property maintenance violations and is deemed an unsafe structure by the City's Code Enforcement Officer. Furthermore, the Circuit Court of Greensville County has authorized the City to demolish the building should the property owners not do so willingly.

Mr. Thrower stated that Section 90-80 (k) of the City's Zoning code requires the Planning Commission to review the proposal for architectural compatibility and forward its recommendation to City Council.

With there being no comments to come before the Planning Commission, Mr. Slate declared the public hearing closed.

_____

W. C. Slate, Chairman Date

_____

Darlene Cain, Secretary Date

MINUTES

PLANNING COMMISSION
CITY OF EMPORIA MUNICIPAL BUILDING
January 13, 2015

***Note to Reader**: Although the printed agenda document for this Planning Commission meeting is not part of these minutes, the agenda document provides background information on most all the items discussed by the Commission at this meeting. The Secretary of the Planning Commission maintains the agenda document. One may see a copy of the agenda for this meeting by contacting the Secretary.*

The Planning Commission held a Regular Meeting on Tuesday, January 13, 2015 at 6:30 p.m. in the Council Chambers of the Municipal Building located at 201 South Main Street, Emporia, Virginia. Mr. Short presided over the meeting.

Upon roll call, the following Commission members indicated their presence:

Mr. Thompson
Mr. Lankford
Mr. Threat
Mr. Ewing
Mr. Vaughan
Mr. Short, Vice Chairman
Mr. Newsome
Mr. Bryant
Mr. Slate, Chairman

Others present: Brian Thrower, City Manager
Darlene Cain, Secretary

APROVAL OF MINUTES

Mr. Ewing moved to approve the December 9, 2014 Public Hearing and Regular Meeting Minutes with correction with the information of the Reservoir be placed in the Comprehensive Plan, seconded by Mr. Newsome, which passed as follows:

Mr. Thompson
Mr. Threat
Mr. Lankford
Mr. Ewing
Mr. Vaughan
Mr. Short, Vice Chairman
Mr. Newsome
Mr. Bryant
Mr. Slate, Chairman

NEW BUSINESS

15-01 **Rezoning Requests-Southampton and Reese Streets**

Mr. Thrower stated that Mark Yeattes, Sr. submitted an application to rezone 208 Southampton Street, 210 Southampton Street, and 212 Southampton Street to R-2 Residential District. He is proposing to build rental properties on those parcels. He also stated that City Administration is also proposing to rezone several properties in the same block to R-2 Residential District. Mr. Thrower further stated that all of the properties are currently zoned C-1 Commercial District and are identified as ta map parcel numbers 163-3-19A, 163-1-3-19, 163-1-3-20, 163-1-3-21, 163-3-22, 163-1-3-23, 163-1-3, 24, 163-1-3-25, 163-21-1, and 163-21-3.

Mr. Thrower stated the Mark Yeattes, Sr. and City Administration are proposing to rezone the aforementioned properties to R-2 Residential District.

Mr. Thrower stated that he recommends these rezoning request to be approved and the properties be rezoned to R-2 Residential District. He stated that the Commissioners will need to make recommendations to City Council regarding these requests. He further stated that City Council will consider these rezoning requests and your recommendations at its January 20, 2015 meeting.

Mr. Newsome motioned to convert item 14-06 one-acre vacant lot to Residential, seconded by Mr. Bryant, which passed as follows.

Mr. Lankford
Mr. Ewing
Mr. Newsome
Mr. Bryant
Mr. Short, Vice Chairman

14-07 **Rezoning Requests – 2412 and 2042 Reese Street**

Mr. Newsome asked Ms. Robinson if she were having any difficulties with the homes now or is there a reason she wanted them switched. Ms. Robinson stated that she would like back residential as it was in 1971.

Mr. Thrower stated that based on the current Comp Plan and Future Land Use Map, he recommended the properties not be rezoned Residential, and they remain I1 Industrial zoning classification. He also stated that as an option, forward the recommendation to the revised new Comp Plan that's adopted.

Mr. Short asked Ms. Robinson if she had a valuable reason or rationale that can be shared with the board as to why she wanted this property to be changed or amended to Residential. Ms. Robinson stated that she would like to have it changed back to Residential.

Mr. Newsome moved to defer the decision to City Council at their meeting next week, seconded Mr. Bryant, which passed as follows.

Mr. Lankford	No
Mr. Ewing	No
Mr. Newsome	Yes
Mr. Bryant	Yes
Mr. Short, Vice Chairman	No

Mr. Lankford moved to deny the request, seconded by Mr. Ewing, which passed as follows:

Mr. Lankford	Yes
Mr. Ewing	Yes
Mr. Newsome	No
Mr. Bryant	No
Mr. Short, Vice Chairman	Yes

14-08 ***Architectural Compatibility Review- 301 North Main Street***

Mr. Thrower stated that Billy Soles seeks architectural compatibility review approval for a pre-built 12 X 21 storage shed to be installed behind the annex at Calvary Baptist Church located at 310 North Main Street. He also stated that Calvary Baptist Church planned to remove the existing carport style unit and replace it with the storage shed in the rear of the property. He further stated that Section 90-80 (k) of the City's Zoning Code requires the Planning Commission to review the proposal for architectural compatibility and forward its recommendation to City Council.

Mr. Ewing motioned to approve the proposal for architectural compatibility, seconded by Mr. Newsome, which passed as follows.

Mr. Thompson
Mr. Ewing
Mr. Short, Vice Chairman
Mr. Bryant
Mr. Newsome

ADJOURNMENT

With no further business to come before the Planning Commission, Mr. Short adjourned the meeting.

_____
Richard Short, Vice Chairman

_____
Darlene Cain, Secretary

CITY OF EMPORIA

Memorandum

February 6, 2015

TO: Planning Commissioners

FROM: Brian S. Thrower, City Manager BST

SUBJECT: Architectural Compatibility Review – 521 Halifax Street

ITEM #: 15-03

City Administration seeks architectural compatibility review approval to demolish the building located at 521 Halifax Street (Tax Map #143-3-0-9). This property has been cited for property maintenance violations (see attached) by the City's Code Enforcement Officer. Furthermore, the Circuit Court of Greensville County has authorized the City to demolish the building (see attached).

Section 90-80 (k) of the City's Zoning Code requires the Planning Commission to review the proposal for architectural compatibility and forward its recommendation to City Council.

Recommendation

I recommend that you recommend approval of this request to City Council. City Council will consider this request and your recommendation at its February 17, 2015 meeting.

Attachments

Tax Map Information
Zoning and Aerial Maps
Pictures of Building
Sec. 90-80 (k) Dt Downtown District – Architectural Compatibility
Court Order
Property Maintenance Citations

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February 04, 2015

Emporia, Virginia

Map Pin	Tax Map Number	Address	Deed Book Reference
143-3-9	143 -3 -0 -9	521 HALIFAX STREET Emporia, Va 23847	IN12000823

Owner Information	
Owner	POTTS TIFFANY T EDWIN T AND ALVIN C
Owner's Address:	C/O TIFFANY POTTS 2420 BARKMAN DR COLORADO SPRING CO 23847

Summary

Property Information

Residential	No Data	Well	No Data
Commercial	Y	Spring	No Data
Class	04	Paved Road	Y
Zone	DT DOWNTOWN DIST	Improvement Value	5600
Property Use	BEAUTY-BARBAR	Land Value	1600
Description Land Area	SITE	Sale Price	No Data
Size Main Land Area	0	Sale Date	07/30/2012
Computed Main Land Area	1645	Account Number	2790
Public Water	Y	Dirt Road	No Data
Public Sewer	Y	Road	No Data
Septic System	No Data	Sidewalk	Y
Underground Utility	No Data	Topography	LEVEL
Gutter	Y		

Improvement Information

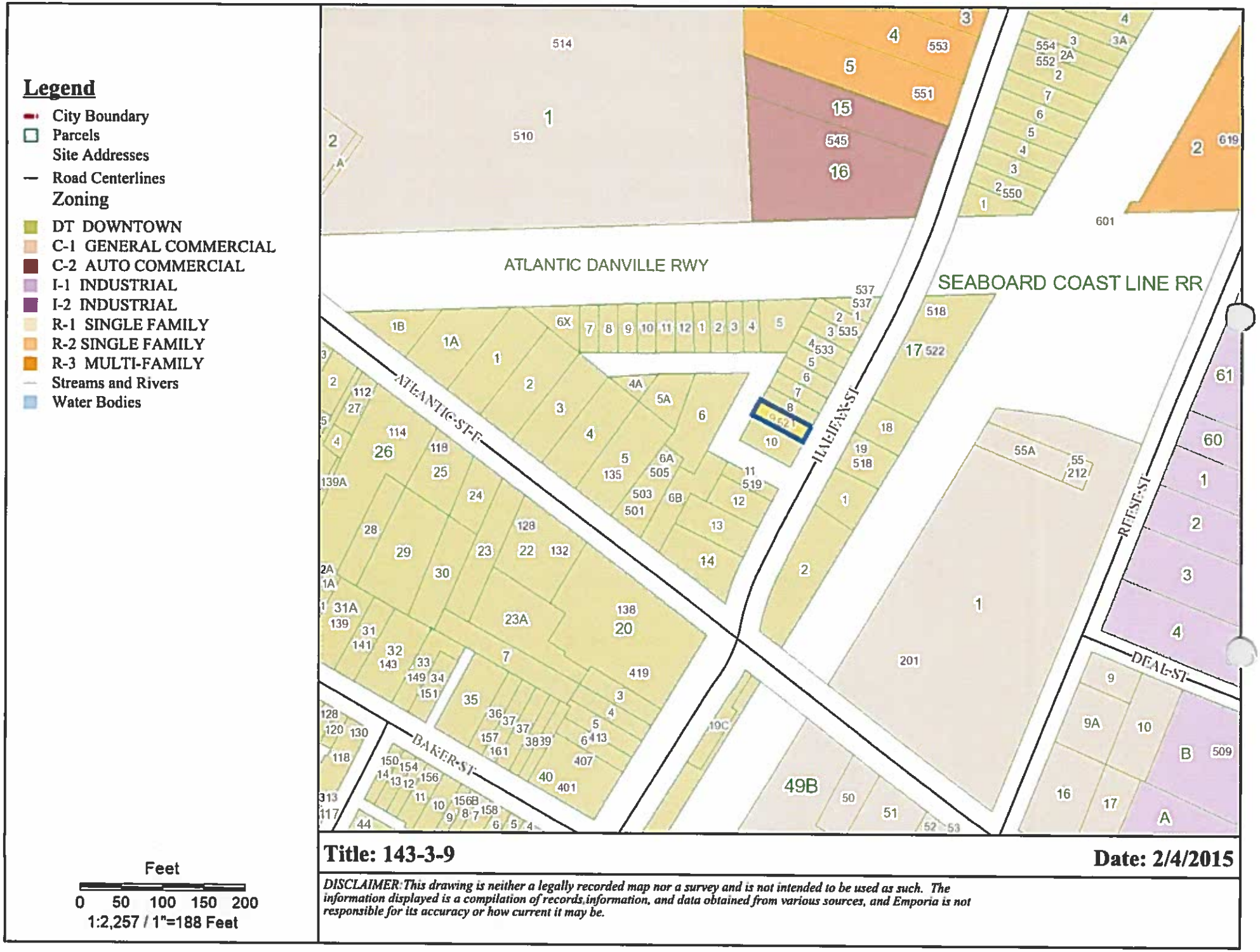
Year Built	1950	Split Foyer	No Data
Year Remodeled	1965	Central Heat	No Data
Year Assessed	2014	Central Air	No Data
Number Stories	1.0	Roof Type	T&G/METAL
Number Rooms	0	Exterior Type	CINDER BLOCK
Number Bedrooms	0	Basement Type	NONE
Number Bathrooms	0	Exterior Condition	POOR
Number Fireplaces	0	Foundation Type	SLAB
Number Chimneys	0	Floor Type	CONCRETE
Split Level	No Data	Wall Type	WOOD PANEL
Building Description	RETAIL	Heat Fuel Type	STOVE
Square Footage	1440	Subdivision	HALIFAX STREET

DISCLAIMER: This data is provided without warranty of any kind, either expressed or implied, including, but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Any person, firm or corporation which uses this map or any of the enclosed information assumes all risk for the inaccuracy thereof, as City of Hampton expressly disclaims any liability for loss or damage arising from the use of said information by any third party.

Previous Owner	
Previous Owner 1	
Previous Owner	POTTS STELLA L AND OTHERS
Datebase Reference	No Data
Previous Owner's Address	719 PARHAM ST EMPORIA VA 23847
Date of Transfer	No Data
Sale Price	No Data

Previous Owner 2	
Previous Owner	POTTS BILLY SR
Datebase Reference	DB162 P175
Previous Owner's Address	509 W END BLVD EMPORIA VA 23847
Sale Price	No Data

DISCLAIMER: This data is provided without warranty of any kind, either expressed or implied, including, but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Any person, firm or corporation which uses this map or any of the enclosed information assumes all risk for the inaccuracy thereof, as City of Hampton expressly disclaims any liability for loss or damage arising from the use of said information by any third party.


Legend
City Boundary
Parcels
Site Addresses
Road Centerlines
Zoning
DT DOWNTOWN
C-1 GENERAL COMMERCIAL
C-2 AUTO COMMERCIAL
I-1 INDUSTRIAL
I-2 INDUSTRIAL
R-1 SINGLE FAMILY
R-2 SINGLE FAMILY
R-3 MULTI-FAMILY
Streams and Rivers
Water Bodies
ATLANTIC DANVILLE RWY
SEABOARD COAST LINE RR
ATLANTIC-ST-E
HALIFAX-ST
RITSE-ST
DEAL-ST
BAKER-ST
Feet
0 50 100 150 200
1:2,257 / 1"=188 Feet
Title: 143-3-9
Date: 2/4/2015
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 Emporia is not responsible for its accuracy or how current it may be.

Legend

- City Boundary
- Parcels
- Site Addresses
- Road Centerlines
- Streams and Rivers
- Water Bodies

Feet

0 50 100 150 200

1:2,257 / 1"=188 Feet

Title:

Date: 2/4/2015

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Sec. 90-80. - DT downtown district.

(a) *Purpose and intent.* The DT downtown district is hereby recognized as an integral part of the city's unique character and the goal of this section is to promote the conservation and preservation of the city's downtown areas, and to encourage retail, general commercial business establishment and other appropriate mixed uses to which the public requires direct and frequent access and is characterized by constant heavy traffic and by noises of congestion. This DT downtown district includes such uses as retail stores, banks, offices, restaurants and taverns located in the central area of the city.

(b) *Uses permitted.* Permitted uses in a DT district shall be as follows:

Art galleries and studios.

Assembly halls.

Automotive sales and service with the screening of impound/storage areas with conditional use permit.

Bakeries.

Banks and financial institutions.

Banquet facility.

Barber and beauty shops.

Bed and breakfast and tourist homes.

Billiard parlors and pool rooms.

Bookstores.

Bowling alleys.

Business offices and display rooms.

Child care centers.

Churches.

Clubs and lodges.

Convenience stores.

Delicatessen.

Department stores.

Drugstores.

Dry goods or notion stores.

Flower, gift, record and tobacco shops.

Furniture stores.

Grocery stores.

Hardware stores.

Hotels/motels.

Household appliance stores.

Jewelry stores.

Laundromats and dry cleaners.

Libraries.

Machinery sales and service with conditional use permit.

Magazine and news stands.

Newspaper printing establishments.

Nightclubs with condition use permit.

Pet service and supply establishments.

Photographer.

Post office.

Printing establishments.

Professional and public offices.

Recreation centers.

Repair, sale and service of bicycles, locks, lawn mowers and other small engines or appliances.

Radio and telecommunication stations with conditional use permit.

Residential uses, single and multi-family, above ground level floors.

Residential use, apartment, on the ground level floor with conditional use permit provided the dwelling is located at the rear of the structure and is occupied by the current property owner(s) or business owner(s) of a business operating in the structure. Furthermore, the residential area should not be visible from the commercial space and shall not occupy more than 50 percent of total ground floor area as shown in a floor plan provided to the city for review.

Restaurants, excluding drive-in or curb-service types.

Shoe repair shops.

Tailors.

Taxicab establishments.

Theaters.

Variety stores.

Wearing apparel stores.

Wine and beer shops.

(c) *Height regulations.* Buildings in a DT downtown district may not be erected more than 45 feet in height without prior approval of the city planning commission.

(d) *Area regulations.* None.

(e) *Lot coverage.* Lot coverage in a DT downtown district may be up to 100 percent if yard and other regulations are met.

(f) *Setback regulations.* Building or structure in a DT downtown district may have a zero setback; however such building or structure shall be placed such that the front is generally "in-line" with other existing buildings.

(g) *Width regulations.* Width regulations in a DT downtown district are not applicable.

(h) *Yard regulations.* For permitted uses in a DT downtown district, the minimum side or rear yard adjoining or adjacent to a residential district shall be 25 feet.

(i) *Parking.* Due to the centralized nature of the DT downtown district, parking shall be provided as is practically possible to conform with the requirements of article V of this chapter and shall be subject to subsection (k) of this section.

(j) *Signs.* The following signs shall be permitted in a DT downtown district and shall conform to all other applicable requirements of article V of this chapter. All permitted signs shall be subject to subsection (k) of this section.

(1) All signs permitted in R districts.

(2) Business signs not to exceed a total area of two square feet for each foot of frontage of the business provided they are attached to the building and not projecting more than four feet therefrom and shall not extend above the roofline. For buildings with more than one business, the total area allowed may be divided among those businesses.

(3) One freestanding or monolithic business sign not to exceed 50 square feet in area and no higher than six feet tall, for each lot with a lot frontage of 75 feet or more, provided such signs do not create a visual obstruction or safety hazard. In the case of shopping or business centers where more than one business resides within a single building, each business may have an additional ten square feet of sign area, so long as it is located on the same pole or poles of the freestanding or monolithic sign, but in no case shall such sign extend over the street right-of-way line. Freestanding signs shall not be permitted on lots where the building has a setback of 25 feet or less.

(k) *Architectural compatibility.*

(1) All buildings or structures shall be erected or altered to blend with the general character of the DT downtown district. To facilitate this requirement, the zoning administrator shall submit all plans and specifications necessary to make such a reasonable determination, to the planning commission for review. The planning commission may seek input from surrounding property owners, tenants or other organizations as it may see fit and shall make recommendations regarding the architectural compatibility of the proposed development or alteration of existing buildings to city council. This review shall in no way require the use of specific materials.

(2) Signs and exterior paint colors in the DT downtown district shall be subject to review and approval by the zoning administrator.

(3) In order to ensure that buildings proposed for removal will not substantially impact or take away from the general character of the DT downtown district, the proposed demolition of any building or structure is subject to the same review and approval as outlined in subsection (k)(l) above.

(4) The City of Emporia shall be exempt from the review and approval procedure as outlined in subsection (k) (1) and (2) above provided any erection or alteration done by the city is consistent with the general character of the DT downtown district.

(Ord. No. 03-50, § 2, 11-18-03; Ord. No. 04-48, § 1, 12-7-04; Ord. No. 05-26, § 1, 6-21-05; Ord. No. 06-41, 3-6-07; Ord. No. 07-03, 9-18-07; Ord. No. 09-27, 6-2-09; Ord. No. 10-8, 1-19-10; Ord. No. 12-03, 2-21-12)

IN THE CIRCUIT COURT OF GREENSVILLE COUNTY, VIRGINIA:

THE CITY OF EMPORIA, VIRGINIA — Plaintiff

v. ORDER — Case No.: CL13-235

TIFFANY TAWANDA POTTS ET ALS. — Defendants

THIS MATTER came on this 21st day of November 2014. upon the papers formerly read, upon the plaintiff, through its building official, and through its attorney, both being present; the defendant not being present, upon evidence taken ore tenus; and was argued by counsel.

It appearing to the Court that defendants have not brought the subject property located at 521 Halifax Street into compliance with the Uniform Statewide Building Code and the City Code; defendants have had a substantial amount of time within which to do the necessary repair work

It further appearing to the Court that the defendants cannot show cause why the structure on said subject property should not be demolished.

NOW, THEREFORE, it is ORDERED that plaintiff be authorized to demolish and remove the structure on said property and the cost of same be assessed as a lien against the subject property. Permission to enter for demolition purposes.

11.21.14 WAW

It is further ORDERED that a copy of this Order be mailed to the defendants, Tiffany Tawanda Potts, at 2420 Barkman Drive, Colorado Springs, CO 80916, Edwin Thomas Potts, at 2420 Barman Drive, Colorado Springs, CO 80916, and Alvin Chester Potts, at 109 Fox Trace, Augusta, GA 20909. and a copy forwarded to plaintiff.

Enter this Order this 21 day of Nov, 20 14.

William Stanley
Judge

I ask for this Order.

C. Butler Barrett

C. Butler Barrett, VSB #7360
BARRETT LAW OFFICE, PC
Counsel for Plaintiff

BARRETT LAW OFFICE, PC
314 South Main Street
Emporia, Virginia 23847

I certify that the document to which this authentication is affixed is a true copy of a record in the Circuit Court of Greensville County, that I have custody of this record, and that I am the custodian of that record.

Robert C. Wrenn, Clerk

By J. Commers Deputy Clerk Date 11/21/14

CITY OF EMPORIA
DEPARTMENT OF INSPECTIONS
P.O. Box 511 / 201South Main Street
EMPORIA, VIRGINIA 23847
Phone: 434/634-6315; Fax: 434/634-0003

NOTICE OF PROPERTY MAINTENANCE VIOLATIONS

In accordance with the Virginia Statewide Building Code (USBC), an inspection of the structure at 521 Halifax Street has been carefully made, and the inspection reveals the structure is in violation of the USBC, as amended, and you are hereby notified there are violations which include but are not limited to the following:

SEE ATTACHED SHEET "A"

TAKE FURTHER NOTICE the above violations shall be discontinued and abated, within 60 days of the receipt of this notice. The remedial action includes but may not be limited to the following:

SEE ATTACHED SHEET "B"

TAKE FUTHER NOTICE if the above violations are not corrected within the specified time the code official will request the legal council of the city to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

SEE ATTACHED SHEET"C"

TAKE FURTHER NOTICE THAT YOU HAVE THE RIGHT TO APPEAL THIS DECISION TO THE BOARD OF BUILDING CODE APPEALS (BBCA), *IN WRITING*, WITHIN 21 CALENDAR DAYS AFTER SERVICE OF THIS NOTICE AND PAYMENT OF THE APPROPRIATE FEE.

You must obtain any required building permits and complete the work within the time period specified above.

If you have any questions concerning this matter, contact the Department of Inspections at the Municipal Building, 201 South Main Street.

Mike Allen
Code Enforcement Officer

Address:	**521 Halifax Street**	**Owner:**	**Stella Potts & Others**
Tax Map Number:	**143-3-0-9**	**Address:**	**719 Parham Street**
Date:	**11-5-2011**		**Emporia, Va. 23847**

Reference Inspection Number: X-N/A

ATTACHMENT SHEET "A"

CITY OF EMPORIA
PROPERTY MAINTENANCE VIOLATION CHECKLIST

ADDRESS: 521 Halifax Street
TAX MAP #: 143-3-0-9
DATE: 11-5-2011

OWNER: Stella Potts & Others
ADDRESS: 719 Parham Street
Emporia, Va. 23847

CODE SECTION	TITLE	COMMENTS
PM-304.3	Premises Identification	Street numbers have been painted over and are not clearly visible.
PM-304.7	Roofs & Drainage	Metal roof tin has rolled back off of roof sheating exposing roof sheating. Exposed sheating has possibly created roof leaks that has caused interior damaged to ceilings and other interior elements. Pro long exposure will create and cause structural damage.
PM-304.8	Exterior Trim/Facia/Soffit	Damaged trim and facia along roof line.

ATTACHMENT SHEET "B"

REMEDIAL ACTION REQUIRED

(1) Premises Identification – As needed install street numbers to clearly show address of 521. Numbers must be at least 4 inches in diameter.

(2) Roofs & Drainage – As needed remove all damaged roof tin and all tin that has rolled back from roof sheating. Replace and damaged or deterioated roof sheating. Install new roof tin.

(3) Exterior Trim/ Facia/ Soffit – As needed repalce all damaged trim and facia along roof line.

(4) –

(5) –

(6) –

(7) –

(8) –

(9) –

(10) –

ADDRESS:	521 Ha;ifax Street	OWNER:	Stella Potts & Others
TAX MAP #:	143-3-0-9	ADDRESS:	719 Parham Street
DATE:	11-5-2011		Emporia, Va. 23847

VIOLATION / INSPECTION NUMBER: X-N/A

ATTACHMENT SHEET "C"

Sec. 14-1. Violation of chapter a misdemeanor; civil penalty.

A. It shall be unlawful for any owner or any other person, firm or corporation, on or after the effective date of any Code provisions of the Uniform Statewide Building Code (USBC), to violate any such provisions. Any such violation shall be deemed a misdemeanor and any owner or any other person, firm or corporation convicted of such a violation shall be punished by a fine of not more than $2,500. In addition, each day the violation continues after conviction or the court-ordered abatement period has expired shall constitute a separate offense. If the violation remains uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in order to comply with the USBC. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within six months of the date of conviction. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense. Any person convicted of a second offense committed within less than five years after a first offense under this chapter shall be punished by a fine of not less than $1,000 nor more than $2,500. Any person convicted of a second offense committed within a period of five to ten years of a first offense under this chapter shall be punished by a fine of not less than $500 nor more than $2,500. Any person convicted of a third or subsequent offense involving the same property committed within ten years of an offense under this chapter after having been at least twice previously convicted shall be punished by confinement in jail for not more than ten days and a fine of not less than $2,500 nor more than $5,000, either or both. No portion of the fine imposed for such third or subsequent offense committed within ten years of an offense under this chapter shall be suspended.

B. There is hereby established a schedule of civil penalties for violations of the provisions of the USBC which are not abated or remedied promptly after receipt of notice of violation from the local enforcement officer. This schedule of civil penalties shall be;

1) $100 for the initial summons, and 2) $150 for each additional summons.

Each day during which the violation is found to have existed shall constitute a separate offense. However, violations arising from the same operative set of facts shall not be charged more frequently than once in any ten-day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of $3,000. Designation of a particular Code violation for a civil penalty pursuant to this section shall be in lieu of criminal sanctions, and except for any violation resulting in injury to persons, such designation shall preclude the prosecution of a violation as a misdemeanor.

Any person summoned or issued a ticket for a scheduled violation may make an appearance in person or in writing by mail to the department of finance or the treasurer of the locality prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court. As a condition of waiver of trial, admission of liability, and payment of a civil penalty, the violator shall agree in writing to abate or remedy the violation within six months after the date of payment of the civil penalty.

If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. In any trial for a scheduled violation authorized by this section, it shall be the burden of the locality to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.

If the violation concerns a residential unit, and if the violation remains uncorrected at the time of assessment of the civil penalty, the court shall order the violator to abate or remedy the violation in order to comply with the Code. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within six months of the date of the assessment of the civil penalty.

City of Emporia **Prop Sheet: 11/03/2011**

MAP# 143 -3 -0 -9 ACCT# 00002790 ADDRESS 521 HALIFAX STREET 23847

LEGAL DESCRIPTION

CODES	Classification 04	Zoning DT	District 051	Property Use BEAU	Assessor RW	Mort Cd

OWNER	Name	Address	Date	Deed Book	Consid.
Current	POTTS STELLA L AND OTHERS	719 PARHAM ST EMPORIA VA 23847	9/16/2008		
Prev 1	POTTS BILLY SR	509 W END BLVD EMPORIA VA 23847		DB162 P175	
Prev 2	ETHEL SQUIRE HARRISON			PB2 P189	

ACTIVITY	Vst Date	H	S/D Date	PlatRef	
	10/01/2009	Y			

REMARK	
	LAND MEAS 23.5 X 70 RETAIL AND BARBER SHOP

BOE
Dte
Land
Impv

PROPERTY DESCRIPTION

Res'l	C'cial Y	BRBR SHP-FORMER	Model:	M/H?

Building Characteristics

Split Level?	Split Foyer?	Central Heat?	Cental Air?
Stories 1.00	Rms	Bedr.	Baths F/P. Chim.
Roofing T&G/METAL	Exterior CINDER BLOCK	Cond. F/P	
Foundation SLAB	Basement NONE		
Flooring CONCRETE	Interior WOOD PANEL	Fuel STOVE	

Property Factors

☒ Pub Watr	☐ WatrFrn	☐ No Road	☒ Paved	Topo: LEVEL
☒ Pub Sewr	☐ Septic	☒ Crb/Gutr	☐ Gravel	Soil:
☐ Well	☐ UG Utl	☒ Sidewlk	☐ Dirt	Loca:

Grade D Yr Assessed 2010 Yr Built 1950 Eff Age 1960

BUILDING VALUATION

Item Description	Size	Rate	$ Value
BRBR SHP-RETL	1440	45.00	64800
GRADE FACTOR	64800	-0.25	-16200

Total 48600 Grd 1.00% Replcmnt: 48600

SUMMARY OF IMPROVEMENTS

Description	Size	Rate	Grad	Dep	Func	Econ	$ Value
BRBR	1440	45.00	D	0.750		-0.100	10900

I: 2009	14600	2010	10900	-0.25% 2011	10900	1.00
L:	1600		1600		1600	1.00
MKT:	16200		12500	-0.23%	12500	

LAND VALUATION

Description	Size	Rate	Adj	$ Value
SITE	1645.000	1.00		1645

Land 1: ×

Land 2: ×

Total Size: 1645.000 Value: 1600

Recent Permit History

Prmt #	TaxDate	Value	Ab/Sp Val

11/04/2011

11/04/2011

11/04/2011

11/04/2011

CITY OF EMPORIA
DEPARTMENT OF INSPECTIONS
P.O. Box 511 / 201South Main Street
EMPORIA, VIRGINIA 23847
Phone: 434/634-6315; Fax: 434/634-0003

Request For Proposal

The City of Emporia is seeking proposals from qualified licensed and insured contractors to furnish labor and equipment to demolish the structures identified as 521 Halifax Street, Emporia, Va. 23847, Tax Map Number 143-3-0-9, and remove all debris and materials associated with the structure, which is in violation of the Virginia Uniform Statewide Building Code. Inquiries should be directed to the Code Enforcement Officer, Mike Allen (634-6315).

Proposals shall be submitted on forms which are available at the City Code Enforcement Office, 201 South Main Street, Emporia, VA. 23847. Bids shall be returned in a sealed envelope labeled *"Demolition Contract, 521 Halifax Street."* by 3:00 p.m. January 16 2015, to the Office of the Code Official.

CITY OF EMPORIA

Request For Proposal

The City of Emporia is seeking proposals from qualified licensed and insured contractors to furnish labor and equipment to demolish all structures identified as, 521 Halifax St.- Tax Map # 143-3-0-9 and remove all debris and materials associated with the structures, which is in violation of the Virginia Uniform Statewide Building Code. Inquiries should be directed to the Code Enforcement Officer, Mike Allen (634-6315).

Proposals shall be submitted on this form in a sealed envelope labeled *"Demolition Contract, 521 Halifax St"* by 3:00 p.m. January 16, 2015, and delivered to the City Code Enforcement Office, 201 South Main Street, Emporia, VA. 23847

A. Requirements:

1. Demolish the structure(s) identified herein entirely to include all buildings, slabs, footing and dispose of all materials to the Greensville County Landfill or any other landfill that accepts demolition debris. Contractor shall provide all materials, equipment and labor necessary to carry out the demolition operation.
2. Contractor shall be responsible for abating all Asbestos and Lead Base Paint materials **(if applicable)** per inspection reports provided by the City of Emporia according to all Local, State and Federal guidelines. Copies of all abatement and manifest reports shall be furnished to the City of Emporia.
3. Contractor shall obtain all necessary Demolition/ Asbestos/ Lead Abatement Permits.
4. Contractor shall be responsible for disconnecting and removing all utilities to include electricity, phone/cable and water & sewer connections.
5. Upon completion of demolition, contractor shall fill and level lot to grade, seed and straw and install any silt fencing if needed to stabilize and prevent erosion and ponding of water.

B. General Terms & Conditions:

1. The term of the contract shall be for the period of 30 days.
2. Contractor shall be required to respond to request for service within 48 hours pending weather conditions.
3. Payment for Services rendered will be made net 30 days upon submission of invoice.
4. Additional charges for work that may fall outside the requirements of contract must be approved by the City Code Enforcement Office prior to being carried out.
5. In case of failure to deliver services in accordance with the contract terms and conditions, the City of Emporia, after due oral or written notice, may procure them from other sources and hold the Contractor responsible for any resulting additional costs. The City reserves the right to cancel and terminate the contract upon 15 days written notice to the Contractor.
6. Any property damage resulting from work performed under this contract shall be repaired to the City's satisfaction at the Contractor's expense.
7. The Contractor shall be entirely responsible for any loss or damage to his/her own materials, supplies and equipment, and tot the personal property of his/her own employees while they are maintained on the work site.
8. The Contractor must have Workmen's Compensation Insurance and Commonwealth Liability Insurance in the minimum sum of $100,000.
9. This contract shall be governed in all respects by the laws of the Commonwealth of Virginia and the City of Emporia.

PO BOX 511, 201 SOUTH MAIN ST., EMPORIA, VA 23847 TELEPHONE: (434) 634 3332 FAX: (434) 634 0003
Visit Our Website at: www.ci.emporia.va.us

In compliance with this Request for Proposal, the undersigned Contractor agrees to provide the services in accordance with the scope of work and terms and conditions at a fixed price for the entire contract.

CONTRACTOR (Name and address)

_____

_____

_____

_____

BY:_____
(Signature in Ink) (Date)

TELEPHONE #:_____

Proposal Accepted:

_____
Brian Thrower, City Manager (Date)

Insert quote below for each of the following:

Property Address	Demo	Asbestos Abatement	Lead Abatement	Total
521 Halifax Street				

Grand Total Fixed Contract Price $_____

Notice to Proceed: Effective Date _____

CITY OF EMPORIA

Memorandum

February 6, 2015

TO: Planning Commissioners

FROM: Brian S. Thrower, City Manager BST

SUBJECT: Zoning Code Amendment Request – Architectural Compatibility Reviews

ITEM #: 15-04

As you are aware, the City was awarded $719,596 in grant funding through the Virginia Department of Housing and Community Development for our Belfield Business District Revitalization Project. A substantial portion of that funding has been allocated to improving building facades in the project area. Architectural design work is now underway.

In order to expedite the review and approval process for building facades receiving grant funding as part of the Belfield Business District Revitalization Project, staff recommends amendments to the architectural compatibility review section of the City's Downtown District Zoning Code. The proposed amendments would authorize the Zoning Administrator to approve building facade plans that are initially approved by the Department of Historic Resources (DHR). This would eliminate the requirement of submitting all plans to the Planning Commission and City Council for review and approval.

The other proposed amendments seek to differentiate the review and approval process for minor and major alteration projects that fall outside of the Belfield Project. Minor alterations would be subject to review and approval by the Zoning Administrator. Minor alterations include modifications such as awnings, landscaping, lighting, roofing, paint colors, and signage. The Zoning Administrator is presently given expressed authority to approve paint colors and signage. Major alterations would continue to require the Planning Commission to make architectural compatibility recommendations to City Council. Final decision making authority would continue to be vested in City Council.

Recommendation

At its January 20, 2015 meeting City Council requested that you review the proposed amendments. I recommend that you recommend approval of these amendments to City Council. City Council will consider these amendments at its February 17, 2015 meeting.

Attachment

Proposed Ordinance

PO BOX 511, 201 SOUTH MAIN ST., EMPORIA, VA 23847 TELEPHONE: (434) 634 3332 FAX: (434) 634 0003
Visit Our Website at: www.ci.emporia.va.us

Ordinance No. ____

Ordinance

AN ORDINANCE TO AMEND SECTION 90-80 (k)
OF THE CODE OF THE CITY OF EMPORIA, VIRGINIA

BE IT ORDAINED by the City Council of the City of Emporia, Virginia, in regular assembly that:

Section 90-80 (k) of the Code be amended and re-enacted to read as follows:

Sec. 90-80. DT downtown district.

(k) *Architectural compatibility.*

(1) All buildings ~~or~~ and structures shall be ~~erected~~ constructed, erected, ~~or~~ and altered to blend with the general character of the DT downtown district. To facilitate this requirement, the zoning administrator shall submit all plans and specifications involving the construction or erection of new buildings and structures and major alterations to existing buildings and structures ~~necessary to make such a reasonable determination.~~ to the planning commission for review. For the purposes of this section, major alteration means any physical modification to a structure that involves a major portion of the structure or has a substantial visual impact on the structure or surroundings. Major alterations include, but are not limited to, changes in building massing, cladding the exterior walls in a new material, and extensive replacement of windows and doors with a new or unoriginal design in a structure.

The planning commission ~~may seek input from surrounding property owners, tenants or other organizations as it may see fit and~~ shall make architectural compatibility recommendations ~~regarding the architectural compatibility of the proposed development or alteration of existing buildings~~ to city council. Final decision making authority shall be vested in city council. This review shall in no way require the use of specific materials.

(2) Minor alterations ~~Signs and exterior paint colors in the DT downtown district~~ shall be subject to review and approval by the zoning administrator. For the purposes of this section, minor alteration means any physical modification to a structure that is limited in scope or has a minor visual impact in relation to the total design of the project. Minor alterations include, but are not limited to, awnings, landscaping, lighting, roofing, paint colors, and signage.

(3) Plans approved by the Department of Historic Resources pertaining to the Belfield Business District Revitalization Project shall be approved administratively by the zoning administrator.

~~(3)~~(4) In order to ensure that buildings proposed for removal will not substantially impact or take away from the general character of the DT downtown district, the proposed demolition of any building or structure is subject to the same review and approval as outlined in subsection (k)(l) above.

~~(4)~~(5) The City of Emporia shall be exempt from the review and approval procedure as outlined in subsection (k) (1) and (2) above provided any erection or alteration done by the city is consistent with the general character of the DT downtown district.

Adopted: February 17, 2015

By_____
Mary L. Person
Mayor

Attest:

_____
City Clerk

Form Approved:

_____
City Attorney