Rezoning- TH-1 to R-1
Stephanie Hayes
1100 & 1102 Maplewood Avenue

Staff Report prepared for the Hopewell City Council

Last updated: August 31, 2015

This report is prepared by the City of Hopewell Department of Development Staff to provide information to the City Council to assist them in making an informed decision on this matter.

I. PUBLIC HEARINGS/WORK SESSION:

Meeting Type	Date	Action Taken
Planning Commission Public Hearing	January 8, 2015	Held Public Hearing. No Action Taken.
Planning Commission Work Session	January 22, 2015	N/A
Planning Commission Meeting	February 5, 2015	Voted to recommend approval of both rezoning requests by the applicant
City Council Work Session	July 21, 2015	N/A
City Council Public Hearing	September 8, 2015	TBD

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Owner:	Stephanie Hayes
Existing Zoning:	TH-1, Tourist/ Historic District
Proposed Zoning:	R-1, Residential Low Density
Location of Property:	1100 & 1102 Maplewood Avenue (extension)
Parcel Size:	12,370 square feet & 11,331 square feet respectively
Parcel ID#	027-0351 & 027-0350
Election Ward:	Ward 1
Land Use Plan Recommendation:	Residential

Zoning of Surrounding Property: North: R-1

South: TH-1

East: R-1

West: TH-1

III. EXECUTIVE SUMMARY:

The City of Hopewell has received a request from Stephanie Hayes to rezone property located at 1100 & 1102 Maplewood Avenue (extension) from TH-1, Tourist Historic District to R-1, Residential, Low Density District. If approved, the Official Zoning Map of the City would be amended to reflect the rezoning of the property. Her need and justification for this change is found in the attached rezoning application. She asserts that her none of her immediate neighbor's property is located in the historic district, she does not feel her home is historical, and she does not want to be penalized for making changes to structures located on the property.

IV. APPLICABLE CODE SECTIONS:

A. The provisions of the Zoning Ordinance that are germane to this rezoning request are found in Article XXI, *Amendments*, and include the following:

Article XXI-A, *Initiation:*

> "Whenever public necessity, convenience, general welfare or good zoning practice require, City Council may amend, supplement, or change this ordinance, including the schedule of district regulations and the official zoning map. Any such amendment may be initiated by resolution of City Council, by motion of the Planning Commission, or by petition of any property owner addressed to City Council."

Article XXI-B, *Action by Planning Commission*

> "In recommending the adoption of any amendment to this ordinance, the Planning Commission shall fully state its reasons for any such recommendations, describing any change in conditions, if any, that it believes makes the amendment advisable and specifically setting forth the manner in which, in its opinion, the amendment would be in harmony with the Comprehensive Plan of the City and would be in furtherance of the purpose of this ordinance."

B. The provisions of the Zoning Ordinance that are germane to this rezoning request are found in Article XIV-B, Tourist Historic District and include the following:

Article XIV-B, Tourist Historic District, *Statement of Intent*

> "The Tourist/Historic District is intended to create an attractive surrounding to tourist who is interested in the historic significance of the area and to reflect in a historic context the role of City Point as a commercial and residential town. Such a district would permit uses which otherwise may be deemed incompatible, bit, due to the common ties to historic and architectural preservation and development, the uses coexist and work together to form a network of commercial and residential entities with a backdrop of historic significance. To the ends, development is limited to low density residential and commercial and light manufacturing (cottage industry) of historic or tourist oriented merchandise or products."

C. The provisions of the Zoning Ordinance that are germane to this rezoning request are found in Article III, Residential, Low Density District and include the following:

Article III, Residential, Low Density District, *Statement of Intent*

> "This district is intended as a single family district area with low population density. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children. To these ends, development is limited to a relatively low concentration and permitted uses are limited to basically to provide homes for the residents plus certain additional uses, such as parks, and other facilities that serve the residents of the district."

V. BACKGROUND INFORMATION:

The City Point area was recognized as a State Historic District in 1978 by the Virginia Historic Landmarks Commission (now the Virginia Department of Historic Resources, VDHR). The district was added to the National Register of Historic Places in 1979. Also in November 1979, the Hopewell City Council established a City Point Historic District to preserve and protect certain historically and architecturally significant buildings and places. An historic district is a group of buildings, properties or sites that have been designated as historically or architecturally significant.

In 1983 the City Council of Hopewell created the H-1 zoning district to protect the integrity of City Point Historic District. The zoning district was established to govern and to protect the assets of the historic district. Without a local zoning designation, there is no monitoring or required maintenance of historic resources. Local zoning districts provide a safeguard against the degradation of national and state historic treasures;

whether this is buildings, properties or sites. A locality chooses to implement a local historic zoning district. It is not a requirement even if a national and state historic district is established.

The H-1 Zoning District was established as an overlay district. An overlay district is established by ordinance to prescribe special regulations to be applied to an area or site in combination with the underlying or base zoning district. The base zoning district of the City Point Historic District was the R-1 Zoning District. This means that properties in the City Point Historic District had two zoning districts, the R-1 District and the H-1 District. This is not uncommon to zoning especially in areas where a governing body sees the need to protect or improve certain assets. In instances where an overlay district is established, property owners must follow both zoning district provisions. If provisions overlap, the most stringent provisions must be followed.

In October of 1995, the Architectural Review Board requested that a Tourist District (T-1) Zoning District be established. The T-1 District would become the base or underlying zoning district, instead of the R-1 District, and the Historic (H-1) District would act as an overlay district. This recommendation did not include amendments to the Official Zoning Map (district boundaries would remain the same) however, use types and protective maintenance provisions were added to the Zoning Ordinance. In 1997 the Hopewell City Council approved the combination of the Tourist District (T-1) with the Historic (H-1) District to create the current Tourist Historic District (TH-1).

VI. SUBJECT PROPERTY & STAFF ANALYSIS:

The subject properties are located on Maplewood Avenue extension at the corner of Prince Henry Avenue. This road was once named Maple Avenue. The word extension is used because the street does not meet current Virginia Department of Transportation (VDOT) standards and is considered substandard. However, this is a part of Maplewood Avenue.

The applicant is the owner of both 1100 Maplewood Avenue and 1102 Maplewood Avenue. The properties were given to her as an inheritance from her family. Ms. Hayes resides at 1100 Maplewood Avenue, and the single family detached dwelling located at 1102 Maplewood Avenue is vacant.

There are twelve (12) separate parcels located on Maplewood Avenue extension (five owners). Nine of the twelve parcels are zoned R-1, Residential, Low Density. The three parcels that are zoned TH-1 are owned by the Shiloh Lodge 33 (Sub-Parcel #027-0740), a non-profit fraternal organization, and Stephanie Hayes, the applicant. It should be noted that the Shiloh Lodge 33 is adjacent to Maplewood Avenue, but has a Prince Henry Avenue address.

In 1983 when the local historic district was formed, property owners along the Maplewood Avenue extension requested to maintain their R-1 Zoning and not be included in the local historic district as recommended by the City. According to City

Council meeting minutes, owners did not feel their structures were historic, and they felt strongly that regulations would price out African Americans from the City Point area. City Council approved the local historic district (H-1 now identified as TH-1) and honored the wishes of the owners on the Maplewood Avenue extension that signed the petition, leaving them out of the historic district. The minutes of that City Council meeting list the parcel numbers of the residents to be exempt from the district.

The home where the applicant currently resides, 1100 Maplewood Avenue, was built in 1983. Although, neighbors contend that Ms. Hayes' mother's property should have maintained the R-1 zoning status, the address is not listed in City Council minutes as being exempt from the local historic district. Moreover, as a property located in the local historic district, the previous owner, the applicant's mother, did receive a Certificate of Appropriateness from the Architectural Review Board (ARB) in order to construct the home in keeping with the historic architecture of surrounding structures. The City has retained building plans and minutes of the ARB meetings regarding the construction of 1100 Maplewood Avenue.

According to City records, the single family dwelling located on 1102 Maplewood Avenue extension was constructed in 1916. The National Register of Historic Places Inventory - Nomination Form/Map created in 1978 to identify the City Point Historic District as a national historic district identifies, what now is 1102 Maplewood Avenue, as 1104 Maplewood Avenue. It can be concluded that when 1100 Maplewood Avenue was constructed in 1983 the addresses were changed to accommodate the new dwelling. Because 1100 Maplewood Avenue was not built until 1983, the building is not shown on the National Inventory Map. The Nomination Form identifies 1102 Maplewood Avenue as follows:

> "Brick and stucco, gable roof with cross gable in west bay, 1 story, 4 bays, 1 bay entrance porch with "pedimented" roof in second gable. Vernacular speculative cottage. Mid-20th century. Exterior end chimney to east. Does not contribute to the district's historic character."

Illustration 1: Picture of 1102 Maplewood Avenue

At the time that the National Register of Historic Places Inventory Form was written, there were approximately eighty seven (87) dwellings identified in the City Point National/State Historic District. Eight (8) of the eighty-seven (87) descriptions concludes with "Does not contribute to the district's historic character." The table below shows the building addresses, whether it is vacant, occupied or demolished and the zoning of each of these properties that uses this description.

ADDRESS	CURREN STATUS	ZONING STATUS
1102 Maplewood Avenue	Vacant	TH-1
1108 Maplewood Avenue	Current residence	R-1
513 Brown Avenue	Current duplex residence	R-2
516 Water Street	Current duplex residence	TH-1
1002 Pelham Street	Demolition by neglect prior to establishment of the Architectural Review Board.	TH-1
1005 Pelham Street	Demolition due to fire	TH-1
1007 Pelham Street	Building Official deemed deteriorated and unsafe. Demolition approved by ARB in 1999.	TH-1
1010 Pelham Street	Vacant	TH-1

Table 1: Description of Addresses

There appears to be no defining characteristic of the buildings described as not contributing to the district's historic character. The National Form says this about the structures on Pelham Street,

> "While containing houses of questionable architectural and/or historical importance, [Pelham Avenue] is included within the district due to its geographical location at the edge of the ravine south of City Point. This ravine discouraged continuous development south of City Point during the 19th century."

The boundary of a Historic District is established to include the highest concentration of historic resources that are available to "tell the story" of that particular district. As mentioned previously, an historic district is comprised of a group of buildings, *properties or sites* that have been designated as historically or architecturally significant. The character of a district, or any other neighborhood, is established through the individual buildings and their relationships to each other, whether they be of different eras, architectural styles, materials, or scale. The character of a district is formed through the visual interaction between the various components.

As a district's boundaries are drawn, all structures located within those boundaries are considered components of the historic district. Occasionally, buildings will be included in the district that may have not reached the 50-year old benchmark, or may have lost a substantial degree of their historic fabric and character; these structures are considered to be non-contributing buildings. These buildings are included in the district due to the nature of the historic district being a zoning classification. Although a structure may be considered non-contributing; it retains a physical presence and remains a visual feature within the district, and therefore has an effect on the neighboring contributing structures. For this reason, non-contributing buildings are subject to the same process of application and review that contributing buildings have in the historic district.

VI. STAFF RECOMMENDATION:

The applicant is requesting that 1100 and 1102 Maplewood Avenue both be removed from the local historic district, the TH-1 Zoning District, and rezoned to R-1 Residential, Low Density District. The rezoning must be considered separately for each property.

In a rezoning, Staff's responsibility it to determine if a rezoning would create incompatible land uses, undermine the intent of the current and requested zoning district, or result in spot zoning.

In 1983 the base zoning district for both properties was R-1, Residential, Low Density. The request to essentially return to the base zoning district would not create incompatible land uses or adversely affect the R-1 Zoning District. Single family detached homes are allowed in the R-1 district.

Incompatible Land Uses & Intent of Requested Zoning District

The property of the current residence, 1100 Maplewood Avenue, is approximately 12,370 square feet. It meets the square footage and lot width requirements. It also meets the side, rear and front yard setbacks for the R-1 Zoning District.

The property identified as 1102 Maplewood Avenue is approximately 11, 331 square feet. It does not meet the 12,000 minimum lot width requirement. Furthermore, it does not meet the rear yard setback requirement of twenty five feet for a main structure. However, the Zoning Ordinance in Article XVII, Non-conforming Uses, Section F., Nonconforming Lots of Record, allows for lots to exist that don't meet current zoning regulations. The structures on these lots cannot be expanded to increase the nonconformity. Therefore rezoning both 1100 and 1102 Maplewood from TH-1 to R-1 would not create incompatible land uses or undermine the intent of the current and requested zoning district because in this case, the Zoning Ordinance allows for a non-conforming lot of record to exist in the R-1 Zoning District with certain stipulations for expansion of a structure.

Spot Zoning

Spot zoning occurs when a small area of land or section in an existing neighborhood is singled out and placed in a different zone from that of neighboring property. On the east side yard of 1102 Maplewood Avenue, the adjacent property is zoned R-1. To the south of 1100 Maplewood Avenue, the property is zoned TH-1. Due to the R-1 Zoning of the property adjacent to 1102 Maplewood Avenue, rezoning 1100 and 1102 would not result in spot zoning but would extend R-1 to these properties.

Intent of Current Zoning District

The last questions that must be answered are how and would the rezoning affect the current zoning district, TH-1. This question is perhaps the most complex and has implications for future request to rezone out of the TH-1 District. Unlike, other zoning districts, the TH-1 District and the B-1 Zoning District (Downtown Historic District) were established based on historical and architectural significance of property and structures, not merely land use compatibility. Therefore, the reasons for being included

in the district must be thoroughly examined to determine if a property or structure should be removed from the district.

Let's first examine 1100 Maplewood Avenue. At the inception of the district, the current structure was not yet built. However, the land was included in the national/state historic district. The historical significance of the property is not clear and not provided in the National Register Form. The applicant would like to be removed from the district because she asserts that her home is not historical. In 1983 when the house was constructed, the owner was required to build the house to meet TH-1 and historic design guidelines of the district. Therefore the house was built to be historically compatible with the district. Other property located on Cedar Lane, also built after the local historic district was established, obtained a Certificate of Appropriateness from the ARB (example 615 Cedar Lane). If structures are built on any remaining vacant property within the district, they must also meet TH-1 zoning regulations and design guidelines of the district.

Staff therefore recommends denial of the request by Stephanie Hayes to rezone 1100 Maplewood Avenue from TH-1 to R-1 because the property was a part of the national/state historic City Point district and because the home was built to be architecturally compatible with the historic character of the district. Allowing the rezoning of this property would adversely affect the intent of the TH-1 District because it would undermine the purpose of the Certificate of Approval process for structures constructed after the establishment of the local historic district in 1983.

Historic districts are established to preserve the structures and properties that directly contribute to the established era of historical and/or architectural significance of the district, but districts are not closed communities that don't allow for new development. Instead, this community requires compatible architecture that blends with the existing fabric of the district. It is Staff's opinion that to approve the request to rezone 1100 Maplewood Avenue from TH-1 to R-1; rescinds the Certificate of Appropriateness required for the construction of the home, and other homes built after 1983 in the district and even has implications for infill development in the City's historic downtown. A rezoning of this property undermines the purpose of the entire district.

Lastly, the historical significance and compatibility of 1102 Maplewood Avenue must be compared that of the current district. Built in 1916, the single family dwelling was included in the national/state historic district. However, it was characterized as "not contributing to the district's historic character." Clarification has been provided on the phraseology used by the Architectural Review Board as an addendum to the January 22, 2015 work session minutes. Further reasons to keep this property within the district have also been noted such as the historical significance of the properties in the history of African Americans in the City Point area. The home itself is a modest home that also characterizes the diverse income of the families that lived in the area. To remove this property from the district does have implications for the future integrity of the district as it sets precedence for other properties that were a part of the original national designation. For this reason, Staff recommends denial of the request to rezone 1102 Maplewood Avenue from TH-1 to R-1. It should be noted that this is a change from Staff's original recommendation of approval to rezone 1102 Maplewood. At the time that Staff provided

its recommendation, pertinent information regarding the specific historic nature of the property was unknown.

VIII. PLANNING COMMISSION RESOLUTION:

The Hopewell Planning Commission recommends *approval,* with a vote of 5 - 0 to rezone 1100 Maplewood Avenue as requested by the owner, Stephanie Hayes, from TH-1, Tourist/Historic District to R-1, Residential, Low Density District and to amend the Official Zoning Map of the City changing the zoning of 1100 Maplewood Avenue, also identified as Sub-Parcel #027-0351 from TH-1, Tourist/Historic District to R-1, Residential, Low Density District.

The Hopewell Planning Commission recommends *approval,* with a vote of 5 - 0 to rezone 1102 Maplewood Avenue as requested by the owner, Stephanie Hayes, from TH-1, Tourist/Historic District to R-1, Residential, Low Density District and to amend the Official Zoning Map of the City changing the zoning of 1102 Maplewood Avenue, also identified as Sub-Parcel #027-0350 from TH-1, Tourist/Historic District to R-1, Residential, Low Density District.

*See Minutes of the Planning Commission meeting

IX. CITY COUNCIL RESOLUTION:

The Hopewell City Council *approves, denies* with a vote of ___ to ____ to rezone 1100 Maplewood Avenue as requested by the owner, Stephanie Hayes, from TH-1, Tourist/Historic District to R-1, Residential, Low Density District and to amend the Official Zoning Map of the City changing the zoning of 1100 Maplewood Avenue, also identified as Sub-Parcel #027-0351 from TH-1, Tourist/Historic District to R-1, Residential, Low Density District.

The Hopewell City Council *approves, denies* with a vote of ___ to ___ to rezone 1102 Maplewood Avenue as requested by the owner, Stephanie Hayes, from TH-1, Tourist/Historic District to R-1, Residential, Low Density District and to amend the Official Zoning Map of the City changing the zoning of 1102 Maplewood Avenue, also identified as Sub-Parcel #027-0350 from TH-1, Tourist/Historic District to R-1, Residential, Low Density District.

Attachments:

1. Rezoning Application
2. Map of the General Area of Proposal
3. Map of the Current Zoning
4. National Register of Historic Places Inventory- Nomination Form/ 1979 Map
5. Current District Map (1997- present)

The City of Hopewell, Virginia

300 N. Main Street · Department of Development · (804) 541-2220 · Fax: (804) 541-2318

APPLICATION FOR REZONING

APPLICATION FEE: $300

RECEIVED
NOV 24 2014
Department of Development

APPLICANT: Stephanie Hayes
ADDRESS: 1100 Maplewood Avenue
Hopewell, VA 23860

PHONE #: (804) 458-0559 FAX #: _____

INTEREST IN PROPERTY: ✓ OWNER OR _____ AGENT

IF CONTRACT PURCHASER, PROVIDE A COPY OF THE CONTRACT OR A LETTER OF THE PROPERTY OWNER'S CONSENT TO MAKE APPLICATION.

OWNER: Stephanie Hayes
ADDRESS: 1100 Maplewood Avenue
Hopewell, VA 23860

PHONE #: (804) 458-0559 FAX #: _____

PROPERTY ADDRESS / LOCATION: 1100 Maplewood Avenue & 1102 Maplewood Ave.

LEGAL DESCRIPTION: Wood frame rancher, & Brick Veneer

PARCEL #: 0375 1 + 0350 ACREAGE: _____

PRESENT ZONING DISTRICT: Ward 1

REQUESTED ZONING DISTRICT:
PRESENT USE OF PROPERTY: Residential dwelling

IT IS PROPOSED THAT THE FOLLOWING BUILDINGS WILL BE CONSTRUCTED:
N/A

NEED AND JUSTIFICATION FOR THE CHANGE IN CLASSIFICATION:
Owner's request

ANTICIPATED EFFECT OF THE PROPOSED CHANGE (IF ANY) ON PUBLIC SERVICES AND FACILITIES: N/A

APPROPRIATENESS OF THE PROPERTY FOR THE PROPOSED CHANGES, AS IT RELATES TO THE INTENT OF THE ZONING DISTRICT DESIRED:
Freedom of choice, My home is not historical. A letter was written by a former neighbor for houses ~~to not be in~~ on Maplewood Ave to not be included in historical district. None of my neighbors homes are included in the district. I feel that mine should not be included also.

WAY IN WHICH THE PROPOSED CHANGE WILL FURTHER THE PURPOSES OF THE ZONING ORDINANCE AND GENERAL WELFARE OF THE COMMUNITY:
To relieve me from being penalized of the changes made to the structure

COMMENTS FROM APPLICANT / OWNER:
I do not see necessity for my home to be included in the historical district since none of my immediate neighbors are included

** * * ATTACH A COPY OF A SURVEY BY A LICENSED SURVEYOR OF THE PROPERTY*

A PROFFER STATEMENT IS ATTACHED ___ Y ___ (N)

AS OWNER OF THIS PROPERTY OR THE AUTHORIZED AGENT THERFOR, I HEREBY CERTIFY THAT THIS APPLICATION AND ALL ACCOMPANYING DOCUMENTS ARE COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Stephanie Hayes — 11/24/14

APPLICANT SIGNATURE — DATE

RECEIVED
NOV 24 2014
Department of Development

OFFICIAL USE ONLY

DATE RECEIVED: _____ DATE OF FINAL ACTION: _____

ACTION TAKEN:

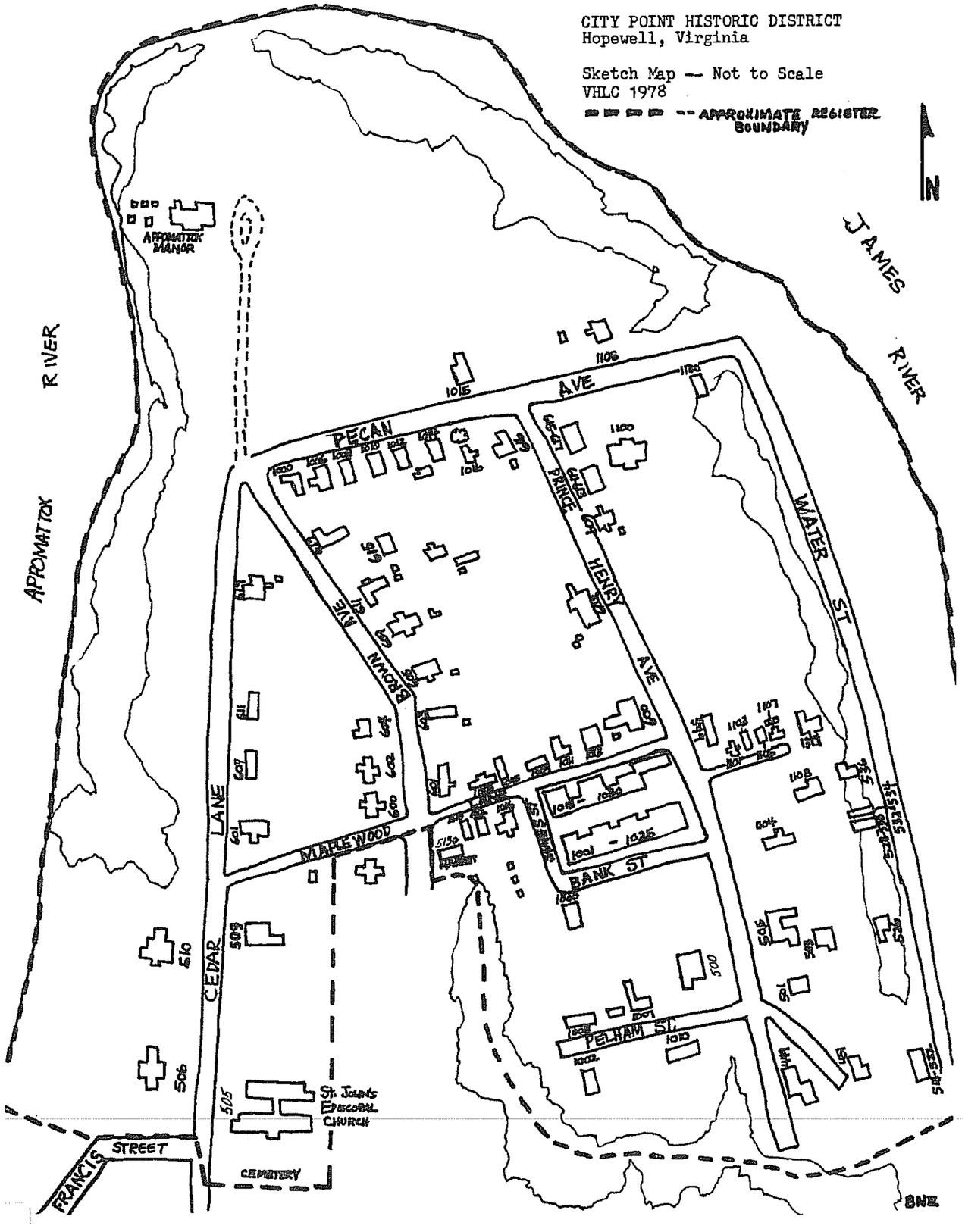
_____ APPROVED _____ DENIED

_____ APPROVED WITH THE FOLLOWING CONDITIONS/ PROFFERS:

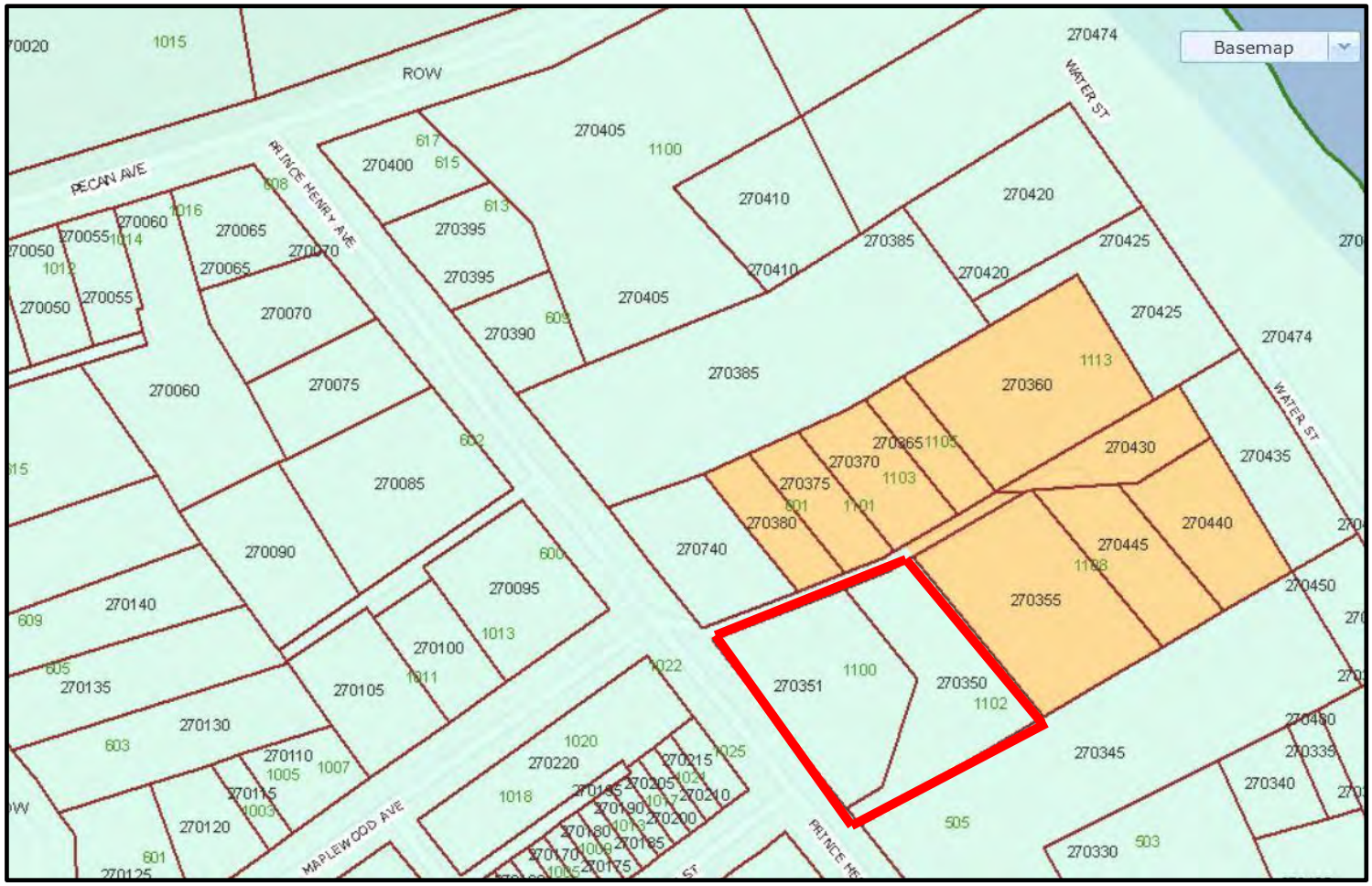
CITY POINT HISTORIC DISTRICT
Hopewell, Virginia

Sketch Map -- Not to Scale
VHLC 1978

-- APPROXIMATE REGISTER BOUNDARY



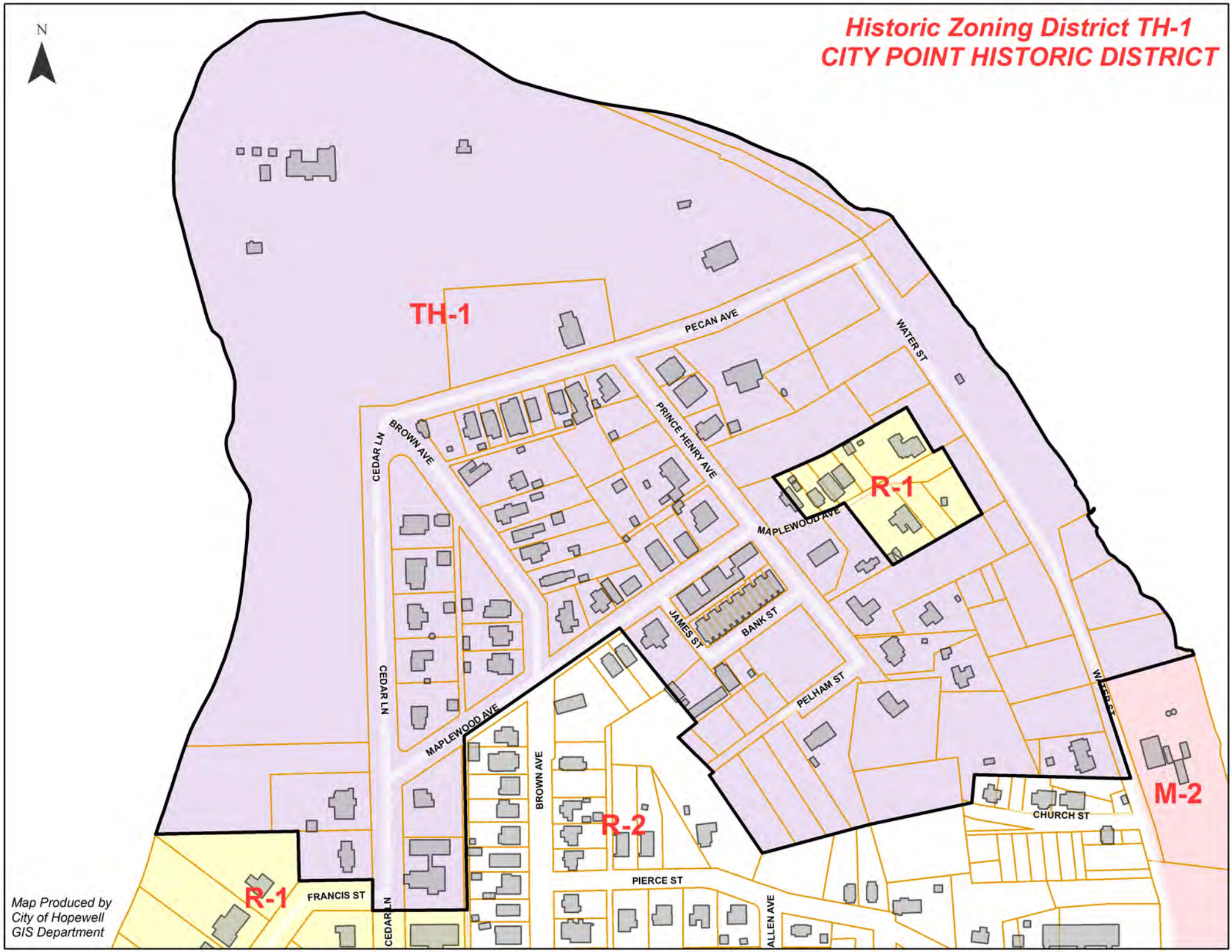
Zoning Map
1100 & 1102 Maplewood Avenue



1100 & 1102 Maplewood Avenue

TH-1

R-1


Historic Zoning District TH-1
CITY POINT HISTORIC DISTRICT
N
TH-1
R-1
R-2
M-2
PECAN AVE
WATER ST
PRINCE HENRY AVE
BROWN AVE
CEDAR LN
MAPLEWOOD AVE
JAMES ST
BANK ST
PELHAM ST
CHURCH ST
PIERCE ST
FRANCIS ST
ALLEN AVE
Map Produced by
City of Hopewell
GIS Department

MINUTES OF THE JANUARY 8, 2015 MEETING
OF THE PLANNING COMMISSION
CITY OF HOPEWELL, VA

A meeting of the Planning Commission for the City of Hopewell was held on Thursday, January 8, 2015, at 7:00 p.m. in City Council Chambers, located at 300 North Main Street, Hopewell, Virginia.

Planning Commission Members present:

Elliot T. Eliades, Vice-Chairman
Todd Butterworth
John Jones
Henry Wilde

Staff Members present:
Tevya Griffin, Director of Development
Horace Wade, City Planner

The meeting was called to order by Commissioner Eliades at 7:00 p.m.

Commissioner Eliades provided an opening prayer.

Commissioner Eliades welcomed members and visitors.

Mrs. Griffin conducted the roll call. The Chairman, Reverend Dunbar, was absent due to illness. A quorum was established.

ADMINISTRATIVE MATTERS

1. Requests for withdrawal/deferral or amendments to the agenda.

   No withdrawal/ deferral or amendments to the agenda.

2. Meeting Minutes-December 4, 2014

   A motion to approve meeting minutes as presented was made by Mr. Butterworth. The motion was seconded by Mr. Jones. The motion was approved with a vote of 4 to 0.

3. Citizen Comments

   There were no citizen comments.

PUBLIC HEARINGS

1. The Hopewell Planning Commission will conduct a public hearing to consider citizen comments regarding a request submitted by Stephanie Hayes, to rezone property identified as 1100 and 1102 Maplewood Avenue, from TH-1 (Tourist/Historic District) to R-1, Residential, Low Density District and to amend the Official Zoning Map of the City of Hopewell.

   Mrs. Griffin provided an overview of the staff report and provided Staff's recommendation.

   The public hearing was opened at 7:09 p.m.

   Ms. Hayes stated that for two years she has been dealing with the issue regarding the removal of her windows. She has a financial hardship and is not able to maintain her home in accordance with the standards of the Architectural Review Board (ARB). Her home is not historic. She would like to be removed from the district along with her neighbors along her street that were removed when the historic district was first formed.

   Commissioner Butterworth asked Ms. Hayes if the vinyl windows she installed were not compliant.

   Ms. Hayes responded that she was taken to court when no one else in her district was taken because she installed vinyl windows. She does not think this was fair.

   There was discussion about why Ms. Hayes's property was not removed from the historic district when the opportunity was afforded itself when it was first formed. Mrs. Griffin explained that persons were given the option to be removed from the historic district. The minutes of the City Council meeting that approved the boundaries of the district list the sub-parcel numbers of the properties that were to be in the Residential Low Density District R-1. This property is not listed.

   Cheryl Collins of 600 Brown Avenue, located in the historic district spoke regarding this issue. She asked the Planning Commission to approve Ms. Hayes' request to rezone her properties from the historic district. She went on to mention her request before the Planning Commission to table to the recommendation to approve the new historic district guideline booklet. There was discussion about the Planning Commissions review of the historic guideline book. She does not believe the approval of the booklet by the City Council in December 2014 has not done anything to improve the district.

   Ms. Collins believes that Ms. Hayes was "put thru the ringer". She stated that Ms. Hayes' home is not historic.

   Ms. Collins discussed the Maplewood Apartments installation of vinyl windows without repercussions from anyone. These windows do not have muntins and did not go through the certificate of appropriateness process. She believes you should respect history but believes the district is beyond repair. The City needs to put money into the district. Ms. Collins gave examples of what she believes to be inconsistencies throughout the district.

   Commissioner Jones thanked Ms. Collins for her comments but reminded those in attendance that the Planning Commission is only considering the rezoning case tonight.

Mr. Gilliam of 1108 Maplewood Avenue, adjacent to the historic district, spoke in regards to the rezoning request. He asked the Planning Commission to approve the request and he stated that he was there when the original district was in formulation. He recalls that a petition was sent around to be in favor of district. His father signed this petition but later saw a petition in the local paper that did not include the same language as the one circulated. This caused his father alarm.

Mr. Gilliam stated that his dad represented the property owners of 1101, 1108, 1107, 1104, and 1103 Maplewood Avenue at the City Council regarding the historic district. His father argued that the historic district would be restrictive to property owners that were older and on a fixed income.

Mr. Gilliam also discussed the former guidelines versus that of the new guidelines adopted by the City Council in December. He spoke specifically about wording in the former guidelines that listed several types of materials that could be utilized as alternatives to more popular building materials versus that of the new guidelines that he believes does not allow the same flexibility. Mr. Gilliam asked the property in question be removed from the historic district because it was never supposed to be in the district. Mr. Gilliam informed the Planning Commission that 1105 and 1113 Maplewood Avenue was represented by his aunt. Mr. Gilliam asked the Planning Commission to solve Ms. Hayes' problem and rezone her properties.

The public hearing was closed at 7:35 p.m.

The Planning Commission members discussed the rezoning and expressed their desire to hear the opinion of the Architectural Review Board regarding the removal of the two properties from the district. Mrs. Griffin stated that Staff had not inquired of the ARB's position in this matter at this time.

Commissioner Wilde made a motion to postpone a decision regarding the rezoning of 1100 and 1102 Maplewood Avenue in order to hold a work session within the next two weeks with the Architectural Review Board.

The Planning Commission posed four questions.

- The opinion of the ARB -Why should the properties remain in the district/why should they be rezoned?
- What does not contribute to the district's historic character mean?
- Why properties were allowed to be out of the district along Maplewood Avenue and this property was not included?
- What is the benefit of keeping the properties in the district? How will this benefit the City?

The motion was seconded by Commissioner Butterworth. The motion passed with a vote of 4 to 0.

Vice Chairman informed Ms. Hayes that the Planning Commission would meet with the Architectural Review Board and asked if she understood this next step. She said that she did.

+

2. The Hopewell Planning Commission will conduct a public hearing to consider citizens comments regarding a request submitted by David A. Roberts, Jr. The applicant is requesting a Zoning Ordinance Amendment to amend Article X, Limited Business District (B-2), Section A., Use Regulations to allow accessory structures to include metal carports that are not visible from primary streets and any other conditions the City Council may deem necessary.

   Mrs. Griffin gave an overview of the case and provided Staff's recommendation. Staff is recommending denial of the request by the applicant to amend Article X, Limited Business District (B-2), Section A., Use Regulations to allow accessory structures to include metal carports that are not visible from primary streets and any other conditions the City Council may deem necessary. Staff does recommend approval of accessory structures in the B-2 District by a Conditional Use Permit approved by City Council.

   The applicant, David A. Roberts, Jr., spoke to the Planning Commission. He stated that it was a mistake to erect a carport without a building permit. However, he did not think he needed a permit to erect a carport as a business owner. He asked other business owners how they got it and they said they just picked out a carport and put it up. He stated that he should have been notified when the ordinance was amended in 2010 removing accessory structures as an allowable use in the B-2 district. Mr. Roberts stated that the carport will be used for shelter of equipment of his personal goods and his customers. He lives in the Westmoreland subdivision, a Planned Unit Development. He cannot put the carport on his lot as his home because it is not big enough. He needs an area to lock up cars. H needs space for shelter. The area behind his building is a haven for vagrant activity. He wants to have a structure where people cannot throw something to break his equipment or that of his customers.

   Commissioner Butterworth asked Commissioner Wilde, the Chairman of the Board of Zoning Appeals (BZA) and a Planning Commission member, about the outcome of the Board of Zoning Appeals case. Commissioner Butterworth asked about the BZA's conditional approval of the special exception and variance and the City Council's decision to approve a modification to the development standards and the right of way vacation. Commissioner Wilde explained that that was the route that the BZA required in order to approve the application. Mr. Robert's has decided to pursue a Zoning Ordinance Amendment.

   Mr. Roberts stated that if he had to move the carport it would be a financial hardship. He would take a serious financial loss to get rid of it. He needs the carport for personal and business use. He has spoken to his neighbors at Mr. B's Restaurant, Mr. Zevgolis at the bowling alley across the street, and Susan Myers who owns a property on the corner. All were unaware that a carport was erected and had no problem with the location.

   Commissioner Jones asked if getting the conditional use permit would resolve Mr. Robert's issue. Mrs. Griffin answered that the conditional use permit allows the Planning Commission to make a recommendation to the City Council regarding this issue. The City Council then has the authority to place conditions on the carport if approved.

Mrs. Griffin explained that currently an accessory structure is not allowed in the B-2 Zoning District. The applicant applied to the BZA for a special exception to be able to keep it in its current location. The applicant would also need approval of an alley vacation because the property does not meet the required rear yard setback for the district. The applicant needed approval of a modification to Article XVIII, Development Standards because metal structures are not allowed to be erected in any business district, effective 2010, without special architectural treatment. Commissioner Jones asked the relationship between the BZA and the conditional use permit. Mrs. Griffin stated that instead of applying for a modification to the development standards and an alley vacation before the City Council as the BZA required for their approval, Mr. Robert's has decided to request a change to the Zoning Ordinance thereby allowing him to place the carport on the property as long as it cannot be seen from the street and with any other restrictions as deemed necessary by the City Council. It was concluded by the Commissioners and verified by Staff that this amendment would be effective for every property zoned B-2 in the City not just Mr. Robert's property. Staff further stated that through the BZA the change would have been just for Mr. Robert's property. This is also true if Mr. Robert's requested the modification to the development standards and alley vacation before City Council. A Zoning Ordinance Amendment changes regulations for an entire district.

Commissioner Jones asked if the applicant would still have a problem with the rear yard setback. Mrs. Griffin said he would. There was discussion about the setback of the building.

Commissioner Wilde stated that regulations are provided by the City Council. They are interested in the quality of life for everyone. He spoke about this issue opening up Pandora's Box. He went on to say that carports were once seen as portable. This was a problem because they could not be regulated and they were being erected all over the City. The law was changed and they were deemed to be permanent structures. He expressed that changing this for everyone would cause problems.

Mr. Charlie Dane, Assistant City Manager, spoke during the public hearing. He first thanked staff for doing their job. He recognized that their job can be difficult but they are responsible for enforcing the Code. They have to stick their rule of law. Mr. Dane stated that not every case is black or white. There are variables in every case. The way this particular rule is written there is no space for flexibility. He is supportive of looking at similar issues on a case by case basis. There may be instances where the use is appropriate, as he feels it is for this case. He stated the business is cleanly kept and orderly. The structure cannot be seen from the main road but can be seen from the side road. It does not meet setback regulations, however, part of his garage extends beyond where the carport ends. He supports looking at the approval of accessory structures on a case by case basis. He believes there are instances where carports would Zoning and Code Enforcement is about protecting the quality of life for all residents. There are instances where accessory structures will not affect the quality of life. Administration is in support of the conditional use permit process. He stated that there is also political support for this because it makes sense to review on a case by case basis.

He argued for the Conditional Use Permit process. He recognized there will be cases where an accessory structure would not be a desirable business, but in this instance where they are a business owner should be allowed to erect an accessory structure.

Commissioner Eliades asked what Chesterfield would allow in the business districts.

Mr. Wade, now the City Planner, but previously an employee of Chesterfield, responded that Chesterfield would not allow accessory structures in any business district by right but would require a special exception or special use permit issued by the Board of Zoning Appeals.

Commissioner Butterworth asked about the intent of the B-2 district. He read from the Zoning Ordinance, the intent of the district.

Steve Barnes owner of the Hopewell Body Shop spoke during the public hearing. He stated that he supports what the applicant wants. He believes people have a right to protect their car or boat. He recommends putting restrictions that make sure carports are aesthetically appropriate and that require the carport to be removed if the owner leaves the property.

Mr. Barnes stated that he represents the industry as property gets scarce the City needs to consider allowing accessory uses in business districts.

Charlie Dane, spoke on behalf of Economic Development. He stated that the City wants to ensure that established businesses are successful. This is what he strives to do without damaging qualify of life.

Commissioner Wilde discussed previous BZA cases involving carports.

Commissioner Butterworth asked about consistency of a Conditional Use Permit. He is concerned about fairness. Commissioner Eliades stated there has to be flexibility.

Seeing no one else having the desire to speak, the Vice Chairman closed the public hearing at 7:26 p.m.

There was brief discussion about the current non-conformity of accessory structures in the business districts.

Charlie Dane discussed the cost to an applicant due to the various steps required to place an accessory structure in a business district. The zoning amendment would only require one step versus several costly steps. He believes these steps are unfair and unreasonable an applicant must take in order to erect a carport in the business district. The applicant must pay several fees and go through several steps versus one step with the conditional use permit process. The steps through the BZA seem unfair and unreasonable.

Commissioner Jones asked Staff for clarification of what the applicant is requesting.

Commissioner Jones made a motion to allow accessory structures in the B-2 district by a Conditional Use Permit approved by the City Council. The motion was seconded by Commissioner Butterworth. The motion was approved 4 to 0.

Vice Chairman Eliades asked when the City Council would likely hear the case. Mrs. Griffin stated that City Council sometimes likes to have a work session to discuss issues before it goes to a public hearing. Vice Chairman Eliades recommended a work session with City Council regarding this case because he felt this may be controversial. Mr. Dane stated that he felt there is multiple support for this on City Council. The Vice Chairman asked there be a work session either a joint session or a session where the Planning Commission comes to speak on the issue. Mr. Dane did not think this was necessary.

3. The Hopewell Planning Commission will conduct a public hearing to consider citizens comments regarding a request submitted by John W. Marshall III of Marshall Cab LLC. The applicant is requesting a Zoning Ordinance Amendment to amend: Article I, Definitions, Article X, Limited Business District (B-2), Section A, Use Regulations, Article XI, Highway Commercial District (B-3), Section A, Use Regulations; and Article XI-A, Corridor Development District (B-4), Section A, Use Regulations to add a taxicab business as an allowable use in each zoning district.

   Mr. Wade provided the Planning Commission with an overview of the case. The applicant owns Marshall Taxi Cab and operates in the City. He would like to move from his current location in downtown Hopewell, zoned B-1.

   Staff is recommending that a definition for a taxi cab business be added to Article I, Definitions of the Zoning Ordinance.

   Staff recommends denial of the use in the B-2 district. Staff recommends approval of a taxi cab service in the B-3 district and approval by a Conditional Use Permit in the B-4 district.

   The public hearing was opened at 8:45 p.m.

   John Marshall, owner of the Marshall Cab LLC spoke. He is requesting the Planning Commission recommend approval of his request.

   He is not asking for a walk-up business but clients would call in to the office. At his current location there is crime, vandalism and sexual crimes. He needs to move the office and wants to have somewhere else to relocate. He has been in business in the City for nine (9) years and he does not want to leave. His permits are with the City of Hopewell. He owns eight taxis. In total there are seventy five (75) owners. The taxis are allowed to travel outside the City. The taxis are not parked at the office but at the driver's homes.

   Tiffany Marshall Jones, the daughter of the owner and office manager spoke in regards to the request. She stated that drug deals take place in front of the office. She has called the police due to broken windows in their cars. There have also been bullet holes found in the car. She and others do not feel safe taking the trash out.

   Mr. Eliades asked the Economic Development Director his opinion regarding the conversion of houses to business uses in the B-4 district.

   In light of the fact that this would not be a walk-up business and that no more than eight to nine cars will be parked at the business location, Staff changed their recommendation to allow this use in the B-2 district.

   A motion was made by Mr. Butterworth to amend Article I to include taxicab business currently not a definition. The motion was seconded by Mr. Jones. The motion passed with a vote of 4 to 0.

   A motion was made by Commissioner Butterworth to recommend Council to amend Article B-3 to include taxicab businesses. The motion was seconded by Mr. Wilde. The motion passed with a vote of 4 to 0.

A motion was made by Commissioner Wilde to amend Article X (B-2) to include taxi cab service as it doesn't present an issue in this district. The motion was seconded by Mr. Jones. The passed with a vote of 4 to 0.

A motion was made by Commissioner Butterworth to recommend City Council amend Article XI-A Corridor Development District to include a taxi cab service as an allowable use. The motion was seconded by Commissioner Wilde. The motion passed with a vote of 4 to 0.

4. The Hopewell Planning Commission will conduct a public hearing to consider citizens comments regarding a request submitted by the City of Hopewell. The city is requesting a Zoning Ordinance Amendment to amend Article I, Definitions, B. Definitions to define the term "residential care home" in accordance with new State Regulations.

   The public hearing was opened at 9:11 p.m. Seeing no one wanting to speak. The public hearing was closed at 9:11 p.m.

   This is required by the Virginia Department of Behavioral Health

   Mr. Wade discussed the state requirement.

   A motion was made by Commissioner Jones to amend Article I, Definitions to add a definition for a residential care home. The motion was seconded by Commissioner Wilde. The motion passed with a vote of 4 to 0.

UNFINISHED BUSINESS

1. Comprehensive Plan RFP

   Discussing RFP with Economic Development Director

2. Time of Planning Commission meetings

   A motion was made by Commissioner Butterworth to change the meeting time from 7 p.m. to 6 p.m. The motion was seconded by Commissioner Jones. The motion passed with a vote of 4 to 0.

NEW BUSINESS

No new business to discuss.

REPORTS OF COUNCIL, BOARDS & COMMISSIONS

1. City Council-Action Report
2. Board of Zoning Appeals-Action Report

   No meeting this month.

3. Architectural Review Board-Action Report

   Working with VCU Master of Urban Planning 1st year students.

   January 20, 2015-will meet once a month.

4. Downtown Design Review Committee-Action Report

   None

REPORT OF PLANNING COMMISSION MEMBERS

None

REPORT OF DIRECTOR

Enterprise Zone amendment and EZ renewal Thursday, January 22, 2015 5:30 p.m. work session.

ADJOURN

A motion to adjourn at 9:30 was made by Commissioner Butterworth. The motion was seconded by Commissioner Wilde. The motion passed with a vote of 4 to 0.

Respectfully submitted,

_____

Tevya W. Griffin,
Director of Development

_____

Elliot T. Eliades
Vice-Chairman

MINUTES OF THE FEBRUARY 5, 2015 MEETING
OF THE PLANNING COMMISSION
CITY OF HOPEWELL, VA

A meeting of the Planning Commission for the City of Hopewell was held on Thursday, February 5, 2015, at 7:25 p.m. in City Council Chambers, located at 300 North Main Street, Hopewell, Virginia.

Planning Commission Members present:

Rev. Rudolph Dunbar, Chairman
Elliot Eliades, Vice-Chairman
Todd Butterworth
John Jones
Henry Wilde

Staff Members present:
Tevya Griffin, Director of Development
Horace Wade, City Planner

The meeting was called to order by Chairman Dunbar at 7:25 p.m.

Chairman Dunbar provided an opening prayer.

Chairman Dunbar welcomed members and visitors.

Mrs. Griffin conducted the roll call. All members were present. A quorum was established.

ADMINISTRATIVE MATTERS

1. Requests for withdrawal/deferral or amendments to the agenda.

   Mrs. Griffin explained that item #1 under unfinished business is not a public hearing as shown on the agenda. The public hearing was held in January 2015.

   Mrs. Griffin requested the minutes of the January meeting were moved from administrative matters and placed after unfinished business. ..

   A motion to approve the above changes was made by Commissioner Butterworth. Commissioner Eliades seconded the motion. The motion was approved with a vote of 5 to 0.

2. Meeting Minutes-January 8, 2015

   Postponed until later in the meeting.

3. Citizen Comments

   There were no citizen comments.

PUBLIC HEARINGS

There were no public hearings on the agenda.

UNFINISHED BUSINESS

1. The Hopewell Planning Commission will conduct a public hearing to consider citizen comments regarding a request submitted by Stephanie Hayes, to rezone property identified as 1100 and 1102 Maplewood Avenue, from TH-1 (Tourist/Historic District) to R-1, Residential, Low Density District and to amend the Official Zoning Map of the City of Hopewell.

   Mrs. Griffin gave an overview of the case and provided an overview of the January public hearing, and the subsequent work session held between the Planning Commission and the Architectural Review Board.

   Commissioner Butterworth asked who built the house. The applicant's mother built the house.

   Commissioner Butterworth made a motion for Reuben Gilliam to speak. Commissioner Eliades seconded the motion. The motion was approved with a vote of three (3) (Chairman Dunbar, Commissioner Butterworth, & Commissioner Eliades) to two (2) (Commissioner Wilde and Commissioner Jones).

   Reuben Gilliam, neighbor to the applicant, stated that the only issue, when her grandparents subdivided the property is that they were under the impression the property was taken out of the district. It was believed that all of Maplewood extension was removed from the historic district. According to Mr. Gilliam, when her mother went to get the building permit for the home she was told she had to go through the Architectural Review Board. She did this because this was what she was told. She did not ask questions of the requirement.

   There was a brief discussion about spot zoning along Maplewood Avenue on the property Mrs. Gilliam's parents owned during the formation of the district.

   Commissioner Jones asked if the history of the case mattered if someone is considering a rezoning. Should it matter the time she purchased property, or if she knew about the property being in or out of the district.

   Commissioner Butterworth stated that he thinks the exemption of some property out of the historic district when the district was first formed does matter. He wants to establish that Ms. Hayes' mother did request her property be removed from the district during the exemption process.

   Commissioner Jones asked Mr. Gilliam if the applicant's house was taken out of the district would he stay in the district or would he also request to be rezoned out of the district.

   Mr. Gilliam answered by stating that he purchased the property 505 Prince Henry Avenue to enhance the property he owned along Maplewood Avenue. He does not like to live under the

rules of the Architectural Review Board, however, he will keep 505 Prince Henry in the district if it will help the applicant. He stated that he believes the Planning Commission would have a pretty good argument to keep his property at 505 Prince Henry in the historic district because, unlike Ms. Hayes' home, this home is historic.

Commissioner Jones stated that he was just asking this question to gain an idea about the preservation of the district. He is concerned that this rezoning may cause others to request the same and wanted to understand Mr. Gilliam's thoughts about rezoning his property since it is adjacent to the applicants.

Commissioner Wilde stated that it is good to hear the history, however, the issue at hand is that the applicant does not have the resources to keep the facility up.

Commissioner Eliades stated that he does not feel comfortable rezoning this property until the City Council provides more direction on the historic district. He is concerned about the future of the historic district. There has been a lot of discussion about the district, and from this rezoning application, several issues have been voiced concerning the formation of the district. City Council should look at a funding mechanism to improve the district. Commissioner Eliades stated that he believes there should be a broader discussion of the historic district where a larger group reviews topics such as the size of the district, which homes are in the district, or should any homes be added or removed. He concluded by stating that the City should study and determine the future of the district on a broad scale. He contends that the rezoning process reviews the district from a smaller scale; individually for each property owner.

Commissioner Eliades stated that he would like to the rezone 1102 Maplewood from TH-1 to R-1, as recommended by Staff and to deny the request by the applicant to rezone 1100 Maplewood Avenue from TH-1 to R-1 also recommended by Staff.

Mrs. Hayes stated that she believes the Planning Commission is stuck on the money. If she is taken out of the district she will be able to make improvement to her house that she can afford.

Commissioner Eliades asked Ms. Hayes what would happen if she got the money she needed to repair the home.

Ms. Hayes stated that she believes her house was put in the district when it wasn't supposed to be. She wants to get out of the district. She can't afford it. She asked what the Architectural Review Board wants her to do.

Commissioner Eliades voiced his concern that there may be other residences in the district that need to be removed from the district. He sees this as a land use issue. He does not think changes to the historic district should be done on a case-by-case basis. It is Commissioner Eliades opinion that there needs to be a plan to remove and keep properties, and to amend district boundaries. He concluded by saying that he thinks the applicant's property should be out but not through this process. Funding should be provided short term and the boundaries amended long term.

Mr. Gilliam asked to speak. He asked the Planning Commission to remove the applicant's property from the district now and that City Council can allow the Planning Commission to

review the district. Be believed that was a great compromise. The other way is holding her hostage.

Commissioner Eliades made a motion to approve the request to rezone 1102 Maplewood Avenue from TH-1 to R-1, as recommended by Staff because it does not contribute to the historical significance of the district, according to the National Historic Inventory Form. Commissioner Jones seconded the motion. The motion passed with a vote of 5 to 0.

Commissioner Jones added he doesn't see why one property should be rezoned and the other stays in, referring to Francis Street.

A motion was made by Commissioner Butterworth to rezone 1100 Maplewood Avenue because it does not add to the historical significance of the district. He went on to say that he believes if the owner had asked at the beginning to be out they would have been out. They were only two properties along a street that was left in the district when an exemption was made. Commissioner Eliades seconded the motion. The motion passed with a vote of 5 to 0.

Mrs. Hayes thanked the Planning Commission for their recommendation.

Chairman Dunbar asked Staff what would happen if there was no TH-1 District.

Mrs. Griffin described the difference between a local historic district and a federal historic district. A federal district does not require a local zoning designation, design guidelines, and an architectural review board. A local historic district designation requires both. If the TH-1 district were removed as a zoning district, the structures and properties would not be required to follow guidelines, thereby jeopardizing the structures historical value.

Commissioner Eliades stated that the City Council needs to address the TH-1 District as an entire area. One or a collaboration of City staff, the Architectural Review Board, the Planning Commission, and the Comprehensive Plan process regarding the future of the City Point Historic District can conduct a study. Commissioner Eliades contends that the Planning Commission needs backing from City Council to know what is the plan for the historic district.

A motion was made by Commissioner Eliades to direct Staff to ask City Council these questions and to conduct an update of the inventory form. Commissioner Jones seconded the motion. The motion passed with a vote of 5 to 0.

Commissioner Jones asked Staff if there were other homes in the district that were built after the local historic district was established besides that of Ms. Hayes. Mrs. Griffin mentioned a home located on Cedar Lane.

2. Time of Planning Commission Meetings.

   Staff informed the Planning Commission that as a courtesy Staff will inform the City Council of the change in the time of the Planning Commission meetings from 7:00 p.m. to 6:00 p.m. at their next meeting on February 10, 2015 meeting.

3. Comprehensive Plan

Mrs. Griffin informed the Planning Commission that the Director of the Hopewell Redevelopment and Housing Authority made additional revisions to the Request For Proposals (RFP) for the Comprehensive Plan. She also informed the Planning Commission that the Assistant City Manager continues his review of the RFP. There has been some discussion of a waterfront plan an important element to the economic development of the City. The Planning Commission discussed the idea of conducting a stand alone waterfront plan separate from the Comprehensive Plan process or whether to include a waterfront plan as an element within the Comprehensive Plan. Commissioner Eliades asked Staff asked the estimated time frame for both processes to be complete if citizen comments were included versus not included. Mrs. Griffin suggested 90 days versus 60 days.

Commissioner Eliades suggested keeping the waterfront development plan in the Comprehensive Plan, but moving fast on the waterfront Plan; making this the first element of review and product gained from a consultant. This portion of the plan should include citizen comment.

Both Commissioner Wilde and Commissioner Butterworth believed this to be the most optimal idea.

A Commissioner asked, if separated, what funds would be used to cover the waterfront plan. Staff answered that funding would come out of the Comp Plan budget.

Commissioner Eliades and Mrs. Griffin discussed the pro's and con's of removing the waterfront element and leaving it in the Comprehensive Plan.

Commissioner Wilde voiced his concern about the time it has taken to place a welcome sign on Route 36. He contends that this project has taken years. Staff stated that they could not speak to how long the project had been promised. Mr. Wade has been working closely on this project for the last three to four months and assured the Commissioner that the sign has been ordered and that the City was waiting for approval from the Virginia Department of Transportation to install the sign. Commissioner Wilde also asked about the placement of the LOVE sign in front of the Visitor's Center. Mrs. Griffin informed the Commission the sign was a part of a statewide campaign to promote tourism. A local artist made the sign and each letter represents an important element of Hopewell.

Councilor Gore was a guest in the audience and was asked if she had any comments. A motion was made by Commissioner Eliades to allow Councilor Gore to address the Planning Commission. Commissioner Jones seconded the motion. The motion passed 5 to 0.

Councilor Gore stated that she was speaking for herself and not representing City Council. She stated that she is asking for quarterly meetings with Commissions/Boards of City Council, and this would include the Planning Commission.

She spoke in regards to the City Point Historic District and the previous vote made by the Planning Commission regarding the rezoning of 1100 and 1102 Maplewood Avenue. She stated that the approval of the new architectural guideline manual for the district was as endorsement by the City Council in favor of the historic district. She stated that there were two public hearings and at least two meetings with owners/residents initiated by the City Council. The new book advocates for the Architectural Review Board (ARB) to revisit the guidelines every six months. She feels that City Council has addressed the issue of if they want to have a historic district by approving the guidelines. She contends that asking for this to be revisited would go back full circle and open another issue with the ARB.

Commissioner Eliades stated that the guidelines are good. However, he questions whether the current boundaries of the district are the correct boundaries. He wants to know if the City Council stands by the current boundaries. This is important as requests to rezone out of the district are reviewed by the Planning Commission.

Commissioner Jones stated that he tried not to look at the applicant's history in making the decision.

Councilor Gore stated that this entire rezoning case heard tonight is about the history. It is Councilor Gore's opinion that the request was based on the fact she did not follow the guidelines. Councilor Gore reminded the Commission that she served on the ARB prior to being elected and was very acquainted with the property.

In regards to the Comprehensive Plan, Councilor Gore stated that she is on team Comprehensive Plan. The Council finally voted to fund the project. She has been concerned that Council has not seen a RFP. She contends that the Comprehensive Plan process should to be done as it was presented to City Council when they voted for it last year during the budget cycle. She believes it would be almost impossible to find new money to fund a waterfront plan.

Councilor Gore also stated her concern with the uniformity of buildings in the City.

She is going to request to add metal carports and the historic district to the February 17, 2015 agenda.

NEW BUSINESS

None

REPORTS OF COUNCIL, BOARDS & COMMISSIONS

1. City Council-Action Report

   Staff reviewed the items listed in City Council's consent agenda for their February 2015. She provided the dates of February 17 and February 24 as work sessions and listed the items that were previously reviewed by the Planning Commission and would be reviewed by City Council during a work session.

   Mrs. Griffin also provided an overview of the applications that should appear on the March 10, 2015 meeting as a public hearing.

2. Board of Zoning Appeals-Action Report

   Mr. Wade reported that the Board of Zoning Appeals would hold a meeting in January to discuss a special exception request for 224 N. Main Street, formerly known as the Blaha Building, for signage. The owner wants to increase the size of signage allowed and to add a blade sign, currently not allowed in the district.

3. Architectural Review Board-Action Report

   Mr. Wade reported that the ARB is currently working with the VCU committee on a small area plan.

   The owner of Maplewood Apartments is reviewing the tax credit program in order to meet property maintenance requirements.

   Mr. Wade is also in contact with the contract purchaser for Bank Street garages to resolve violations at this property.

4. Downtown Design Review Committee-Action Report

   The DDRC will review the design of the sign at 224 N. Main Street if the signage is approved by the Board of Zoning Appeals.

REPORT OF PLANNING COMMISSION MEMBERS

None

REPORT OF DIRECTOR

Mrs. Griffin gave an update of demolition pipeline.

ADJOURN

A motion to adjourn the meeting at 9:10 was made by Commissioner Butterworth. Commissioner Jones seconded the motion. The motion passed with a vote of 4 to 0.

Respectfully submitted,

_____

Tevya W. Griffin,
Director of Development

_____

Rev. Rudolph Dunbar,
Chairman

MINUTES OF THE JANUARY 22, 2015 WORK SESSION
OF THE PLANNING COMMISSION/ WETLANDS BOARD
CITY OF HOPEWELL, VA

A work session of the Planning Commission and Wetlands Board for the City of Hopewell was held on Thursday, January 22, 2015, at 5:30 p.m. in City Council Chambers, located at 300 North Main Street, Hopewell, Virginia.

Planning Commission Members present:

Rev. Rudolph Dunbar, Chairman
Elliot T. Eliades, Vice-Chairman
John Jones
Henry Wilde

Architectural Review Board Members present:

Mary Calos, Chairman
Bryan Townes, Vice-Chairman

Staff Members present:

Tevya Griffin, Director of Development
Horace Wade, City Planner

The meeting was called to order by Rev. Dunbar at 5:40 p.m. Rev. Dunbar provided an opening prayer. Rev. Dunbar welcomed members and visitors.

Mrs. Griffin conducted the roll call. Architectural Review Board members Melissa Smith and Johnny Partin were absent. Commissioner Elliot Eliades arrived at 5:41 p.m.

ADMINISTRATIVE MATTERS

1. Purpose of a Work Session

   Mrs. Griffin provided an overview of the purpose of this work session. The Planning Commission requested to meet with the Architectural Review Board at their January 8, 2015 to discuss a rezoning request from Stephanie Hayes, owner of 1100 and 1102 Maplewood Avenue from TH-1 to R-1. Mrs. Griffin explained that a work session is not a public hearing. Audience participants cannot speak regarding a matter unless approved by the Planning Commission.

NEW BUSINESS

1. Discussion of the request submitted by Stephanie Hayes, to rezone property identified as 1100 and 1102 Maplewood Avenue, from TH-1(Tourist/ Historic District) to R-1, Residential, Low Density District and to amend the Official Zoning Map of the City of Hopewell.

   Stephanie Hayes, the applicant approached the Planning Commission and asked they recommend approval of the rezoning of 1100 and 1102 Maplewood Avenue from TH-1 to R-1 as requested at the January 8, 2015 Planning Commission public hearing.

   Mrs. Griffin explained that at their January 8, 2015 meeting, the Planning Commission asked four questions of the Architectural Review Board. Those four questions were:

   1. Why properties were allowed to be out of the district along Maplewood Avenue and this property was not included?
   2. The opinion of the ARB -Why should the properties remain in the district/why should they be rezoned?
   3. What is the benefit of keeping the properties in the district? How will this benefit the City?
   4. What does not contribute to the district's historic character mean?

   Commissioner Eliades asked about the use of tax credits in the district; how does it work and if it is a matching program. Based on a write up provided by the Architectural Review Board to the Planning Commission tax credits were an option for property owners to rehabilitate their home. He asked the members of the ARB to speak to this notion.

   Mr. Townes responded by explaining the difference between the state and federal tax credit program. Available for properties buildings in historic districts, both allow a reduction in real estate taxes. State tax credits are available for owner-occupied, and income-producing buildings. The federal tax credit program is set aside for income-producing buildings. The state program allows for a 25% credit against taxes imposed while the federal tax credit program allows for 20% reduction, for a total of 45% if a property meets both criteria. Commissioner Eliades asked if anyone that owned property within the district had taken advantage of the tax credit program in the last ten (10) years. The ARB and Staff did know of anyone that had taken advantage of historic tax credits during this time frame.

   The Commission also asked about the Community Development Block Grant program. Mrs. Griffin explained to the Commission that Staff and the ARB spearheaded a CDBG project in the district. Low to moderate income homeowners were encouraged to apply for exterior rehabilitation work. The City hired professional consultants to help determine the properties that should be served based on strict criteria that included safety, cost, location, and need. Five different property owners took advantage of the grant.

Ms. Hayes was asked if she had participated in any of these grants. She said yes the Community Development Block Grant that improved her deck.

Mary Calos, Chairman of the Architectural; Review Board stated that tax credits have been used in the downtown historic district on several projects. It was added by Vice Chairman Townes of the ARB that over 100 tax credit projects have been completed statewide in the past year. It is a popular program and-can be applied to varying situations.

The Commission continued with discussion about the CDBG Grant. The project was funded in2008 and the last work was completed on a home in 2009.

Commissioner Jones asked if the City tracked the use of tax credits by residents in the district. Mrs. Griffin stated that her office has provided information to people about tax credits and guided them through the process, but she is not aware of anyone that has taken advantage of the program.

Commissioner Jones asked about the time frame of the creation of the district. The district was listed on the National Register for Historic Places in 1979 and the local historic district was created in 1983. Commissioner Jones concluded that since its inception in 1983, no one has taken advantage of the tax credit program. Mr. Townes advised Commissioner Jones that the tax credit program did not begin until the mid 1990's. He also added that the national program is an honorific designation.

Chairman Calos also mentioned that in additional to tax credits there are other grant programs that are available and are proliferating as we speak. The economics in this particular venue are large. It is economically feasible for the City. Between City Point and the Downtown District, the tax incentive program will be good.

Mr. Townes added that tax credits were used to rehabilitate the Beacon Theater, Mallonne Lofts and the Butterworth's Lofts.

Commissioner Eliades asked the applicant about her economic hardship. She was asked what she was being asked to spend to stay within the realm of the historic district.

Ms. Hayes, talked about the proposal provided to her by the ARB for putting on the muntins for eleven windows. She mentioned meeting with members of the ARB to discuss a compromise concerning the muntins. She stated that she was provided the names of several non-profit organizations that could possibly help here finance windows after removing the older windows. The names provided were the Cameron Foundation and the John Randolph Foundation. Neither provided funding for her project. She also stated that the ARB suggested adding muntins to the windows for $1200, labor not included. She asked the ARB if they would give her the money for this; and they will not. The total cost of her adding new windows and a portion of siding on her house was $5500.00. Chairman Calos asked Mrs. Griffin to provide insight into the window placement.

Mrs. Griffin gave an overview by stating that the applicant placed the windows without a certificate of appropriateness. The use of vinyl windows was not the issue. Because of the age of the home, vinyl windows were acceptable, however, the profile of the window was not acceptable because it did not match the profile of the window removed. The ARB offered a

remedy for her to affix raised muntins to the windows. According to Mrs. Griffin, the final cost is $300, labor not included. The applicant was taken to court because she did not get a certificate of appropriateness to make changes to her home. Ms. Hayes then stated that she did get a certificate of appropriateness after she was informed to get one but was still taken to court. Mrs. Griffin stated that this is true because the applicant's certificate was denied, and she has not changed the windows to be in accordance with what the ARB approved.

Mrs. Griffin stated that $1300 was the original cost but the ARB was able to find products for $300.

Mrs. Griffin explained the Certificate of Appropriateness case, the court proceedings and the proposal by the ARB.

Mr. Townes explained the concept of exterior muntins/grilles. Mrs. Griffin illustrated this using the window in City Council Chambers.

Commissioner Eliades addressed Ms. Hayes. He stated that he would like to see the specific issues fixed that the ARB is asking you to do; essentially those things that are causing you to want to take the home out of the district. He wants to figure out a way to get past the infraction.

Commissioner Jones asked Ms. Hayes if she had been to court. She answered yes, about a year ago. Commissioner Jones added that this case has been going on for two years.

Commissioner Eliades asked how some houses were taken out of the district.

Chairman Calos read the answer provided by the Architectural Review Board.

Mrs. Hayes asked what is the Maplewood Avenue extension.

Mrs. Griffin explained that Maplewood Avenue extension is an extension of Maplewood Avenue but does not meet minimum road standards authorized by the Virginia Department of Transportation. It is a part of the City's road system.

Commissioner Eliades asked what it means to take these properties out of the historic district. He asked what would be the effect on the district? Mr. Townes answered. He stated the City Point historic district is a small district. Every property has a direct physical relationship with each other and is important for the continuity of the district.

Mrs. Hayes asked if Reuben Gilliam could speak in regards to Maplewood extension. She felt he would be able to speak to Maplewood Avenue extension.

Commissioner Eliades stated that the information discussed by Mr. Gilliam should be new information not presented at the last meeting. Comments should last no longer than three minutes.

A motion was made by Commissioner Eliades to allow Reuben Gilliam to speak. Commissioner Jones seconded the motion. The motion was approved with a vote of 4 to 0.

Mr. Gilliam stated that Maplewood extension and 501 Prince Henry were supposed to be removed from the historic district. He suggested that there technical issues. Maplewood extension was a part of the property his father came to City Council to have the property removed. Maplewood extended at 503 Prince Henry were supposed to be removed from the

district. He does not know how the final ordinance was written. The argument made by the ARB regarding Prince Henry is not relevant because the applicant is not on Prince Henry Avenue. If the Architectural Review Board has an agenda, they should provide funding to help property owners make suggested improvements to their home. Ms. Hayes would have to research tax credit by herself. This is a cumbersome process. If the ARB was providing someone to file the paperwork and she was just left to sign on the dotted line this would be acceptable. If she can't maneuver through the process she loses out. He spoke regarding the insignificance of a muntin. He implored the Planning Commission to do what was fair. He mentioned the property on Francis Street that was let out. She was supposed to be let out. His word should not be suspect and the Architectural Review Board golden. She will fix up her house according to the money she has; and that would be appropriate.

Commissioner Eliades made a motion to allow Brenda Pelham of 1816 Stewart Avenue to speak. The Mayor stated that she was speaking as citizen. Commissioner Jones seconded the motion. Mrs. Pelham asked if research had been conducted regarding the CDBG program and whether the grant would cover the windows replaced. Commissioner Jones asked if City Council could provide a matching grant to assist with funding. Ms. Pelham stated that such a suggestion for City Point and the downtown historic district should be placed on the agenda.

It was mentioned that the properties in question were inherited from the applicant's mother.

Vice Mayor Jasmine Gore mentioned that she did place request on Council's agenda to provide funding to help homeowners in the district. It was suggested that the Architectural Review Board and Planning Commission could write a letter to City Council making a request for matching grant funds for homeowners.

Chairman Calos informed the meeting attendants of the Virginia Commonwealth University's (VCU) studio project study of the City Point Historic District. The kick off meeting will be held on Tuesday. Mrs. Calos is confident the plan that the study will be beneficial to everyone in providing recommendations on ways to improve the district. Commissioner Eliades is a member of the advisory committee. He will be able to see the project come together. She asks that everyone be patient with any decision to see the work that will be done.

Commissioner Jones made a motion for Cheryl Collins to speak. Commissioner Eliades seconded the motion. The motion passed with a vote of 4 to 0.

Cheryl Collins of 600 Brown Avenue spoke in regards to her role in helping the Beacon Theater prepare tax credit application in October 2008. According to her the historic tax credit process is a difficult process and is too cumbersome for a property owner. She feels strongly that the applicant's property should be removed from the TH-1 Zoning District. According to Ms. Collins an applicant has to put a lot of money in and hope the work that is done that is approved. The paperwork must be certified by an accountant. Ms. Collins also discussed the cost differentiation between a requests and actual credit received.

Ms. Collins stated that the one thing missing from this process was talking to the people that live in the historic district. She realized this is a tough decision. Three houses across the street from her were given the opportunity to opt out of the district when it was formed. This

is 2015 the economy is different. In order to make improvements to her house she would have to adhere to guidelines which would be expensive. She sent an email regarding a neighbor who switched windows without getting a certificate of appropriateness. There is no more value to the capacity. According to Ms. Collins, the approval of the new guidelines implies that people are not smart enough to improve their home. She was a member of the ARB for eighteen months. The City should take a couple of steps back. City Point sits on two of the most beautiful rivers in the state. She asserted that the district is holding back on improvements to district's housing structure and the district's overall improvement. The real question the Planning Commission must ask is how removing Ms. Hayes from the district impact the City of Hopewell.

Mrs. Griffin informed the Planning Commission that the violation took place on a holiday, and that the complaint was received last evening and that Staff was actively pursuing the complaint. The person that put the windows in will go through the same process that anyone that did not get a certificate of appropriateness would have to undergo.

Commissioner Eliades stated his concern. He will review the addendum provided by the National Park Service. He is concentrating on the money issue. Hate to think the money thing will get you in and out of the district. The maps have been drawn but the genesis for the applicant is the money issue. If there is some way to remove the money issue there is no reason to remove you from the historic district.

Commissioner Jones had questions about the National Park Service. He asked what they will do with the Bonnacord House and the Alderholt Hunter House. Chairman Calos explained the land swap between the National Park Service and has to go into a bill clearing the position of the house. We are waiting for Congressman Forbes to inform us if the expansion of the Petersburg Battlefield City Point Unit Historic District is approved through Congress. Mr. Townes added that the ARB has been in an extensive discussion with the Park Service regarding preventive maintenance for the Bonnacord House. The gutters need to be unclogged and branches clipped away from the house and other maintenance issues.

There was discussion about the timeframe to make a decision regarding this application. It was concluded the Planning Commission has 90 days from the public hearing to make a recommendation to the City Council.

There was discussion about outstanding questions; if the money was no longer an issue would the applicant still want to be out of the district.

February 5, 2015 is the next meeting. Mr. Wade explained that the Planning Commission could not take a vote at a work session. The applicant was told that the next meeting would begin at 6:00 p.m.

ADJOURN

A motion to adjourn the work session was made by Commissioner Eliades. The motion was seconded by Commissioner Jones. The motion was passed with a vote of 4 to 0.

Respectfully submitted,

_____

Tevya W. Griffin,
Director of Development

_____

Rev. Rudolph Dunbar,
Chairman

ORDINANCE 2015-XX

An Ordinance amending the Zoning Map of the City of Hopewell to rezone the property known as 1100 Maplewood Avenue, Tax Parcel No. 027-0351 from TH-1, Tourist/Historic District, to R-1, Residential, Low Density District.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that the Official Zoning Map of the City of Hopewell is amended and reenacted as follows:

That, as shown on the attached map, incorporated into, and made a part of this ordinance, the following property, with tax parcel number as shown in the 2013 records of the City Assessor's Office, are excluded from the TH-1 District, Tourist/Historic District, and shall no longer be subject to the provisions of Article XIV-B of the City of Hopewell Zoning Ordinance, as amended, and that the same are included in the R-1, Residential, Low Density District, and shall be subject to the provisions of Article III of the City of Hopewell Zoning Ordinance and all other applicable provisions of the City of Hopewell Zoning Ordinance, as amended:

Tax Parcel # 027-0351

In accordance with Section 7, Effective date of ordinances and resolutions; emergency measures, of Chapter 4 of the City Charter, this ordinance, on second reading, shall become effective immediately upon its passage as an emergency measure on the date of its adoption by the City Council. In all other respects said Code of the City of Hopewell shall remain unchanged and be in full force and effect.

Ordinance # 2014-XX- Rezoning of Tax Parcel #027-0351 from TH-1 to R-1

1100 Maplewood Avenue

At your January 8, 2015 meeting, Planning Commission members requested the Architectural Review Board (ARB) answer four questions regarding the rezoning of 1100 and 1102 Maplewood Avenue. Please see the responses from the ARB below. A representative from the ARB will be present at the work session.

Planning Commission Questions, RE: City Point Historic District

1. **Why were properties allowed to be out of the historic district on Maplewood Avenue and (1100 & 1102 Maplewood Avenue) were not included?**

    - The process used to establish The City Point Historic District by City Council was preceded by a public meeting with speakers from the National Park Service and The Virginia Department of Historic Resources. The City Point Civic Association collected signatures from all property owners affirming owners' who signed willingness to establish The City Point Historic District. The petition was forwarded to City Council. In addition,

    - The City of Hopewell Planning Office contacted all property owners by registered letters (normal procedure) asking for input pertaining to the establishment of The City Point Historic District and announcing the date of the City Council Agenda Meeting. The owners of the following properties (Maplewood Avenue Extension) indicated in response to the letter that they were opposed to being a part of the district

    - North Side (crossing Prince Henry Avenue toward the James River): 1103, 1105, 1107, 1311 Maplewood Avenue (Extension)

    - South Side (crossing Prince Henry Avenue toward the James River): 1010, 1012 Maplewood Avenue (Extension)

    - The City Council, in addressing this requested exclusion of Maplewood Avenue Extension, reluctantly concluded that since the houses were isolated from the main thoroughfare of the district and, being essentially hidden from immediate view of the district, would be deferred from the district without aesthetically harming the continuity of the district; thus not delaying the establishment of the City Point Historic District. In this manner, the CPHD could begin desperately needed preservation maintenance on the majority of the district properties without prolonged delays.

    - There was no reference pertaining to (then 1104) 1100 and 1102. The owners of these properties did not request to be omitted from the district when the district was approved by City Council.

- Students of historic districts are cognizant of the fact that many streets and numbers do not conform to today's regulated roadways. This is the case in the historic district. Please note that the front entrances of 1102 and 1100 do not face Maplewood Avenue in any structured way. Both structures would better serve the city with a Prince Henry identification.

2. **Opinion on why the property should stay in the historic district:**

The properties in question have a significant impact on the character of the Historic District. The property at 1100 Maplewood Avenue stands at one of the most important intersections in the District and has a direct visual impact on four adjacent and highly important architectural resources. Directly across Maplewood to the north stands the ca. 1810 City Point House. Diagonally across the street is the ca. 1858 Greek Revival style Cook House. To the west across Prince Henry Avenue stands the masonry mass of the early twentieth century Maplewood Apartments (former Bank of City Point). Additionally, standing to the south of the property is the ca. 1850 Bishop House, one of the district's only examples of a formal, single-story Greek Revival cottage. The proximity of the property to four adjacent historic resources renders it an important piece of the district's overall visual cohesiveness and character. It is essential that the property stay in the historic district; it was deemed important and was included in the local district at its formation, as well as in its inclusion in the National Register District boundaries. The house, in fact, was designed with input from the ARB (then the BAR) at the time of its construction, and the property remains just as important today.

The property at 1102 Maplewood Avenue (listed as 1104 in the National Register Nomination) is an important element in the district's varied streetscape assemblies. The Nomination relates the building's date of construction as roughly mid-twentieth century; later investigations revealed that portions of the structure date back to as early as 1916. Together with its position as an important residential element that illustrates the district's changing evolution over time, the structure is an exemplary example of the modest structures that periodically appeared as infill during the district's most active periods of construction and development. These structures, while appearing modest in size and simple in detail, nevertheless are an integral component of the district and provide a vivid illustration of the forces of social change and economic patterns that characterized the district in the years before WWI.

3. **What is the benefit of keeping the property in the historic district?**

The two properties are essential to the district in terms of their relationship to the adjacent historic properties and to the phases of the district's history and evolution that they represent. The boundaries of the historic district were carefully and deliberately set and should not be eroded, due to the damage that this would cause to the integrity of the district as a whole.

Maintaining the property at 1102 Maplewood Avenue as included in the historic district retains the potential for rehabilitation tax credit opportunities for the structure in the event of a planned rehabilitation; other grant opportunities exist for 1100 (as have been awarded in the past due to its inclusion in the historic district).

4. **What does "does not contribute to the district's historic character" mean?**

This statement, indicated several times in the nomination, refers to the fact that at the time of the nomination's preparation, the building being discussed was not deemed to contribute to the district's character due to it not yet being 50 years old (as determined by the supposed construction date of the mid-20th century).

The National Register Nomination for the City Point National Historic District was prepared in 1978, nearly 40 years ago. Significantly, properties that were 20 or 30 years old at the time of the nomination's preparation are now 60-70 years old, meaning that they have now met a baseline criteria for properties to be listed in the National Register of Historic Places: that is, properties shall be at least 50 years of age.

National Register Nominations are surveyed and assembled as a "snapshot in time" of conditions that exist at the time of the nomination's preparation. Properties that were not old enough at the time of the nomination preparation are often "brought into" existing historic districts at a later date when enough time has elapsed for the buildings to now be considered as contributing structures. This is common in many historic districts, the Jackson Ward Historic District and the Manchester Commercial Historic District in Richmond being two local examples where the nominations have been expanded to include properties that were not deemed contributing structures at the time that the nominations were prepared, but which are now seen as important elements that have reached the age of inclusion and also represent important later periods of the districts' history.

National Register nominations are meant to be evolving documents, and are commonly updated to not only remove structures that have been lost due to fire, demolition, or natural disasters, but

also to add structures that were initially determined to be non-contributing due to their being less than 50 years of age. The property at 1102 Maplewood Avenue is such a structure.

In clarifying the importance of keeping the district intact, we regard the following statement from the National Park Service's (NPS) City Point Concept Plan as a valuable tool for allowing the Planning Commission to understand why each and every structure is important for continuous/contiguous preservation of the district:

(NPS) PARK & COMMUNITY RELATIONSHIP (excerpted)

The park interfaces with the community of City Point in two ways: one is as an extension of the town's historic district, and the other is as a passive recreation area (re: the waterfront park). The park recognizes the historic and significant relationship between the park and the town of City Point --- the park hopes to maintain and enhance the historic heritage of the entire region.

The City Point Unit (NPS) is included in the historic district of City Point. This district, including the City Point Unit comprises <u>forty-three acres,</u> and was established in 1979 by <u>The Hopewell City Council</u> to preserve and protect architecturally significant and historically important buildings and places in the City Point area. This area was recognized as an historic district in 1978 by the Virginia Historic Landmarks Department and was added to the National Register of Historic Places in 1979. Property in the historic district is subject to the rules and regulations of Hopewell's zoning ordinances (city-wide), and their Architectural Review Board.

An understanding of the benefits attached to retaining strict adherence to the protection of all buildings and lands within the City Point Historic District is critical to the economic aesthetics of our relationship with The National Park Service properties within our city. What happens within the confines of the district can impede or enhance the city's most prominent tourism/economic development appendage.

To reiterate the National Park Service (NPS) concept plan: NPS recognizes the significant relationship between the park and the town of City Point -- the City Point Unit is included in the historic district thus what happens to each and every building, structure, street, sidewalk, garden and empty lot has a significance unlike that in any other part of the city. To encourage improvements and enhancement to NPS- owned lands means the city needs to protect, enhance, and improve the entire district.

In recognizing this need for preservation policies and actions city officials, representatives of boards, commissions and government allow doors to open for the entry of unprecedented enhancements that benefit both NPS and Hopewell. This, in turn, will not only improve the neighborhood and living conditions for home owners, but the district and NPS will become as one in bringing history-lovers into the city to visit, not only to view the NPS parklands, but to view, as well, the beautiful and historic homes and historic resources provided by a well-preserved, viable historic old town adjoining -- and, indeed, by joining one to the other successfully.

It is extremely detrimental when a historic neighborhood is interspersed with unprotected buildings and lands -- even two gaps in such an environment can depreciate what good is being accomplished by many. This is one reason why it is important for the Maplewood properties to remain in the district.

I will close with one example of ARB PROTECTIVE MAINTENANCE DILIGENCE: THE HISTORIC CHRISTOPHER PROCTOR HOUSE BUILT BEFORE 1800. When the house was endangered by the owner's persistent negligence, (commonly referred to as 'demolition by neglect') the ARB, and the city attorney stepped in through the court system and, today, the Proctor House is once again painted and repaired. Had the ARB not stepped in, this historic house, which may have witnessed Abraham Lincoln and other famous Americans walking by its front door, may have been destroyed by years' end. This is but one example of the diligence practiced by ARB to save and/or enhance our historic past.

Respectfully, Mary M. Calos, Chair, ARB 1/22/15