



**CITY OF COLONIAL HEIGHTS, VIRGINIA
MEETING OF THE PLANNING COMMISSION
City Hall - 201 James Avenue
Wednesday, May 5, 2020
7:00 p.m.**

MINUTES

- I. Call to Order**
Mr. Hartson called the meeting to order at 7:00 pm.
- II. Roll Call**
Present:
Mr. Hartson
Mr. Kohan
Mrs. Levenson-Melvin
Mrs. Schiff
Mr. Wade
Absent:
Mr. Cherry
Mrs. Hamilton
- III. Determination of Quorum**
A quorum was determined.
- IV. Approval of Agenda**
Mrs. Schiff made a motion to approve the Agenda and Mr. Kohan seconded with all commissioners in favor.
- V. Approval of Minutes for March 4, 2020 meeting**
Mr. Wade made a motion to approve the minutes and Mrs. Schiff seconded with all commissioners in favor.
- VI. Hearing of Citizens Generally**
None.

VII. Site Plans/Plans of Development

A. PD-20-1 Southpark Square Shopping Center Restaurant

The property owner, MCB Real Estate LLC, proposes development of a 4,413 square foot restaurant with drive-thru on parcel identification number 6820470018, located in the Southpark Square Shopping Center. Restaurant may be accessed through shopping center from Temple Avenue and Southpark Boulevard.

Ms. Hall gave a staff presentation stating that the property was next to Longhorn Steakhouse Restaurant on Temple Avenue. The site has access from two different entrances, one from Temple Avenue near Chipotle restaurant and the other from Southpark Circle. The original site plan completed in 2012, which expired in 2017, was for the entire Southgate Square Shopping Center and included the required shopping center upgrades.

This preliminary site plan proposal differs from the 2012 site plan. The proposed site plan is presented as in between a shopping center redevelopment and as a stand-alone parcel development. The site plan presents the parking counts as a shopping center redevelopment, but does not include the required landscaping parking lot upgrades for the shopping center. The site plan shows non-existent property lines as if the site will be a stand-alone parcel in the future, but does not provide perimeter landscaping required for stand-alone parcel development.

Ms. Hall spoke with the applicant to determine if the proposal is for a shopping center redevelopment or for the development of a parcel. The developer stated that their intention is to subdivide the parcel in the future.

The applicant for the Southgate Square Shopping Center Restaurant will continue to work with Ms. Hall to determine if the site should be a stand-alone site or continue to be a part of the existing shopping center. The staff recommendation is to approve the site plan with recommendations from the Planning Department, the Engineering Department, and Joe Boisseau, Colonial Heights Fire Marshall.

The applicant, Jonathan Ritchie of Bohler Engineering, said the intent is still to subdivide the property with more information from the Planning Department on accommodating landscaping and parking requirements.

Mr. Hartson asked if the Southgate Square Shopping Center's future site plan would be an add-on to the applicant's stand-alone parcel. He asked if the site plan would be like a strip shopping center. Ms. Hall replied no, the proposal is for a free-standing structure, which can exist either as a part of the shopping center or on its own. Ms. Hall referenced a conversation at a previous Planning Commission Meeting about Mission BBQ and the need to upgrade the current zoning code in regards to shopping centers. Past developers have submitted proposals as shopping center redevelopment, but later in the site plan review

process requested to pursue development as a stand-alone parcel so that they may no longer be required to upgrade the entire shopping center. The zoning code requires a new, expanded, or reconfigured parking area to meet landscaping requirements. The loop hole is that there is no definition or defined threshold for what constitutes a reconfigured parking area. As a result, the developer will ask to only reconfigure the shopping center on their parcel or just outside of their parcel, and therefore avoiding perimeter landscaping requirements.

Mr. Hartson asked about the parcel ownership of the shopping center for the proposed restaurant. Ms. Hall said that area has three owners and their own management with variations of the name “Southpark.”

Mr. Wade asked if the existing code needs a distinction between stand-alone buildings and strip malls where the buildings are all connected. Ms. Hall said the current definition of shopping center does not require buildings to be physically touching, but does require aesthetic considerations, which is a difficult term to enforce.

Mr. Wade asked for clarity about the recent development of the Boot Barn retail store and Mission BBQ restaurant as unattached buildings not requiring shopping center requirements, such as maintaining parking lots. Ms. Hall replied yes, those developments show a loophole in the current zoning code.

Mr. Wade asked if the stores in the shopping centers mentioned have to share a parking lot without having to maintain the parking lot. Ms. Hall replied that in the three scenarios mentioned, all the parking is accommodated within each parcel which makes the development itself *not* a shopping center. As a standalone parcel, these developments should have perimeter landscaping as a stand-alone parcel like all other development.

Mr. Wade asked if future developers could state they are exempt from meeting the standards of a shopping center and develop their own landscaping and parking in an area with a shared parking lot. Ms. Hall replied that if the proposed development meets the parcel size requirements for General Business, then the development would need to meet landscaping and parking requirements. A developer can have access through another parcel.

Mr. Wade asked if the stand-alone development in shopping centers would be required to participate in improvements or liability of a parking lot. Ms. Hall said it's different for every scenario. For example, at Mission BBQ and Panera Bread restaurants, the property owners are the same so there would be no issue as to who should be maintaining the parking lot. Ms. Hall said another option is to have separate parcels recorded as commercial condos; there are approximately twenty at a development near the animal shelter.

Mr. Hartson said he remembers the long-term development of the Southpark shopping center is for development to happen on the outparcel next to Longhorn

Steakhouse and Ms. Hall confirmed that to be correct. He asked if an outparcel is allowed along Southpark Boulevard and is it considered a street. Ms. Hall replied yes, there are scenarios in the City where there are streets without public frontage because of the private street network such as the development that contains Aldi grocery store and Sedona Taphouse restaurant.

Mr. Hartson asked if there any additional questions and Mr. Fisher asked if Lonestar Steakhouse is a separate parcel. Ms. Hall replied yes, Lonestar is a separate parcel and this proposed development would be consistent with the development of Lonestar Steakhouse. Mr. Fisher added that the old zoning ordinance required large areas for parking even though they don't come anywhere near being filled up and it would be beneficial to fill those large parking spaces with development. Mr. Hartson agreed and has observed the City of Richmond has also reduced development parking requirement; somewhat too far in the other direction with the neighborhood Scott's Addition as an example.

Vote: 5-0

Yes:

Mrs. Schiff
Mr. Hartson
Mr. Wade
Mr. Cherry
Mrs. Levenson-Melvin

No: None

Abstained: None

Motion: UNANIMOUS PASS

VIII. Old Business

A. Donation Bin Ordinance

Mr. Hartson asked for a status update of the Donation Bin Ordinance after observing a donation bin on Southpark Boulevard. Ms. Hall replied that when COVID-19 started in Virginia, all code enforcement was temporarily suspended which was at the start of the Donation Bin Ordinance. Development of the program took about two months and with the approval of City Council, it was decided to commence implementation of the ordinance. Courtesy letters have been mailed to property owners and donation bin companies. The donation bin companies were contacted personally in addition to receiving a courtesy letter. Code enforcement cases will be created for bins that have not been removed voluntarily. The property owner where the bin is located will be brought to court and held responsible for removal of the donation bin.

IX. New Business/Reports

A. Regional Fair Housing Analysis of Impediments Report

Mrs. Payne gave an overview of the report: Colonial Heights is participating in a regional report entitled the *Fair Housing Analysis of Impediments (AI)*. HUD requires localities receiving Community Development Block Grant (CDBG) funds to submit an “AI” every five-years alongside the Consolidated Plan.

Traditionally, CDBG funds have been used for home repairs for qualified residents, with priority to seniors and people with disabilities. Since 2006, Colonial Heights has received approximately \$70-100,000 annually for home repairs based on the needs of low-moderate income residents in the City. Over the last few years, the federal fund allotment for the City has increased and for Program Year 2020-2021 the City will receive \$105,797.

Recently, HUD came out with a strong recommendation that localities collaborate regionally to write the “AI”. This year is the first time that a regional AI report is being produced for the region and the following localities are participating: City of Colonial Heights, City of Petersburg, City of Hopewell, City of Richmond, Chesterfield County and Henrico County.

Mrs. Hamilton and Mr. Hartson have agreed to represent the City of Colonial Heights in focus groups and interviews for the report which is expected to be published in July 2020.

Reports

1. **Chairman**-Mr. Hartson had nothing to report.

2. **Director of Planning and Community Development** – Ms. Hall

Ms. Hall stated there will be a Planning Commission meeting in June for a subdivision and a Board of Zoning Appeals (BZA) meeting on May 20th at 4:00 PM. The BZA meeting will review the following applications: 311 James Avenue, 122 Swift Creek Lane, and a property on Brijadan Lane.

Mr. Fisher added that one of the requirements for a variance application is that the variance sought not be of such general applicability that the ordinance should be changed. The idea is that if the same type of application keeps being filed, the ordinance should be changed. There have been quite a few applications for lot frontage to be changed from the standard 75 feet. It may be time for the Planning Commission to consider revising the zoning ordinance for not only road frontage but also square footage of a lot.

3. **City Engineer or Designee – Asst. Director of Public Works** – Mr. Flippen

Mr. Flippen updated Commissioners that the status of Public Works is business as usual with adjusted hours to maintain COVID-19 safety guidelines. Mr. Flippen has observed several social media requests for road construction to be completed while

many people are not using the roads as much due to low traffic volume. During the month of April, the City started four projects, with three of them being federally-funded. These projects include the Appomattox River Green Trail Stage 4, the Boulevard Resurfacing project, the Temple Avenue signalization project and the CSX Bridge repair projects that include minor fixes to the City's bridges.

Mr. Hartson asked if the repaving of the Boulevard had actually started. Mr. Flippen said the curb ramps are being constructed to meet ADA requirements and then the repaving will begin. The City has asked for additional funds for more road projects. These include Phase 5 of the Appomattox River Green Trail, the high school sidewalks project on Conduit Road, and some reconstruction of Ridge Road.

4. Others, as necessary or appropriate

a. City Manager – Mr. Smith

Mr. Smith updated commissioners on the status of development for the Mission BBQ restaurant. The construction plans are being circled around for signatures with the Engineering department.

The Sheppard Stadium projects are completed including outfield wall padding and painting, and locker room work. The outfield netting should be hung by June 1st. The Coastal Plains League and the Tri-City Chili Peppers plan for a start date of July 1st depending on CDC and federal government guidelines. There will be a twenty-one-game schedule including exhibition games. Mr. Hartson asked about the seating capacity of the stadium in regards to social distancing. Mr. Smith replied that it has a 1,000-seat capacity but the seating capacity will have to be worked out closer to the start date with dependence on the CDC guidelines.

The Violet Bank restoration is almost ready to start with contract documents currently being signed. The project received some grant funding and it is preferred to start soon to prevent any further deterioration issues.

Mr. Kohan asked for a status update about the annual 4th of July fireworks celebration. Mr. Smith replied that the vendor has given a generous timeframe to lock in a contract for fireworks, even as late as June 20th. It was decided with Parks and Recreation to hold off on any current advertising until the date gets closer to make a final decision.

Mrs. Schiff notified Mr. Smith that the City Seal is falling off the War Memorial. Mr. Smith replied that he will work on having that repaired.

Mr. Smith also provided an update about the Hrouda Pump station. When the CIP was being reviewed by the Planning Commission it showed \$250,000 being transferred from the Utilities fund but some of the funding will now come from an improvement project so not as much will come from the Utilities fund.

b. City Attorney – Mr. Fisher

Mr. Fisher updated the commissioners on the naming of the field at Shepherd Stadium. One of the sponsors has secured naming rights and the field will be named Nutrian Field at Shepherd Stadium. The sponsor will make upgrades to the field as part of its naming rights.

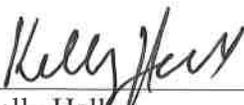
Mr. Wade asked Mr. Fisher if there is an expiration date for the field naming. Mr. Fisher replied that it might be a three-year arrangement and renewed annually after the first three years. Mr. Smith added that Nutrian was originally a sponsor of the Chili Peppers baseball team and it expanded into having benefits for the City too such as products, consulting services, and assistance with renovation projects. Mr. Wade understood that they are a sponsor but was cautious about renaming the field for something temporary because the Stadium has been in the City since at least 1952. Mr. Fisher added that City Council was fully cognizant of the issue and also did not want to lose the identity of Shepherd Stadium.

The Capital Improvements Plan was approved by City Council as recommended by the Planning Commission.

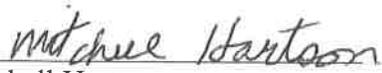
COVID-19 is expected to have a significant impact on the City's finances. Opening a restaurant at only 40-45% capacity will have a significant impact on overhead and Mr. Fisher is not sure how many businesses will actually reopen. Other commissioners agreed and expressed the same concern, especially for businesses that already had a small space. Mr. Smith added that there are budgetary controls in place for the City, including future expenses, due to decreased revenue.

X. Adjournment

Mrs. Schiff made a motion to adjourn the meeting and Mr. Wade seconded the motion with all commissioners in favor. The meeting was adjourned at 6:47 pm.



Kelly Hall
Secretary



Mitchell Hartson
Chairman