



**CITY OF COLONIAL HEIGHTS, VIRGINIA
MEETING OF THE PLANNING COMMISSION
City Hall, Council Chambers, 201 James Avenue
Wednesday, January 3, 2024
6:00 p.m.**

MINUTES

I. Call to Order

The meeting was called to order at 6:00 P.M.
Chairman Hartson wished all participants a very Happy New Year.

II. Roll Call

Present:

Mr. Hartson
Mrs. Schiff
Mr. Wade
Mr. Kohan
Mr. Kwiek
Mrs. Levenson- Melvin
Mrs. Hamilton

Absent:
None

III. Organizational Matters

a. Election of Chairman and Vice-Chairman

Mr. Hartson announced that he was no longer serving as the Chair.
Mrs. Schiff thanked Mr. Hartson for serving the Commission as the Chair and nominated Mr. Noah Kwiek as the new Chairman. Mr. Wade seconded the nomination. All Commissioners voted to approve the nomination.

Approved:7-0

Hearing no further nominations for the Chair, Mr. Hartson asked for a roll call vote to elect Mr. Kwiek as the new Chairperson of the Planning Commission.

Approved:7-0

Mrs. Schiff made a motion to nominate Mrs. Levenson-Melvin as the new Vice-Chair and Mr. Hartson seconded the nomination. All Commissioners voted to approve the nomination.
Approved:7-0

Hearing no further nominations for the Vice-Chair, Mr. Kwiek asked for a roll call vote to elect Mrs. Levenson-Melvin as the new Vice-Chair of the Planning Commission.
Approved:7-0

b. Appointment of Secretary

Mrs. Levenson-Melvin nominated Mr. Carter, Director of Planning and Community Development, to be appointed as Secretary and Mrs. Schiff seconded the nomination. All Commissioners voted to approve the motion.
Approved:7-0

c. Adoption of Rules of Procedure

Mr. Carter pointed out a typo in the Rules of Procedure in Article 7.1. The time of the regular meeting needs to be changed to 6:00 pm instead of 7:00 pm since the Planning Commission changed the meeting time to 6:00 pm the previous year.

Mrs. Schiff made a motion to adopt the Rules of Procedure to change the meeting time from 7:00 pm to 6:00 pm. Mrs. Levenson-Melvin seconded the motion with all Commissioners in favor.
Approved:7-0

Mrs. Schiff made a motion to adopt the Rules of Procedure as amended. Mrs. Levenson-Melvin seconded the motion with all Commissioners in favor.
Approved:7-0

d. Adoption of Planning Commission Meeting Schedule for the Next 12 Months

Mr. Hartson made a motion to adopt the Planning Commission meeting schedule for the next 12 months, Mr. Kohan seconded the motion. All Commissioners voted to approve the motion.
Approved 7-0

IV. Approval of Agenda

Mr. Wade made a motion to approve the agenda, Mr. Kohan seconded the motion, and all Commissioners voted to approve the motion.
Approved 7-0

V. Approval of Minutes for the December 6, 2023 meeting

Mr. Wade made a motion to approve the minutes, Mrs. Levenson-Melvin seconded the motion, and all Commissioners voted to approve the motion.
Approved 7-0

VI. 2023 Annual Report

Mr. Bond presented the highlights of the 2023 Annual Report. He shared that in 2023, the Planning Commission had nine (9) regular meetings and two (2) special meetings. The special meetings were held to discuss the Capital Improvement Plan and to tour the City's

new High School building. The Planning Commission considered six (6) resolutions that included a special use permit, the proposed FY2024-2028 Capital Improvements Plan, a rezoning, a change to the City's Comprehensive Plan Land Use Map, an amendment to the Floodplain Overlay District regulations, and an amendment to the City Code for the establishment of short-term rental use. Four (4) resolutions were approved and two (2) were not, which are PC Resolution No. 23- 03 and PC Resolution No. 23-04 regarding the rezoning and comprehensive plan amendment for 105 Norfolk Avenue.

All resolutions approved by the Planning Commission were subsequently approved by the City Council except for the applications for 105 Norfolk Avenue, which have been deferred by the applicant until further notice.

The Planning Commission did not consider any preliminary subdivision plats in 2023. The Planning Commission considered three (3) preliminary plans of development.

Mrs. Schiff made a motion to approve the 2023 Annual Report, Mr. Wade seconded the motion, and all Commissioners voted to approve the motion.

Approved 7-0

VII. Manner of Addressing the Commission

Mr. Fisher read aloud the manner for addressing the Planning Commission for the benefit of all participants. "Each speaker at Commission meetings shall, in an audible voice for the record, give his name and address and who he is representing if other than himself; and unless the Commission grants further time, shall limit his remarks to 5 minutes per issue. Provided, however, that the main proponent of any application, petition, or plan that is the subject of a Public Hearing shall be allowed to address the Commission for a maximum of 10 minutes, and later in rebuttal for a maximum of 3 minutes. All remarks shall be addressed to the Chairman and the Commission as a body and not to any member or staff person."

VIII. Hearing of Citizens Generally

No citizens spoke.

IX. Old Business

None

X. Reports

1. Former Chairman – Mr. Hartson – None

2. Director of Planning and Community Development – Mr. Carter

Mr. Carter thanked Mr. Hartson for his extended service as the Chair and Mrs. Schiff for serving as the Vice-Chair of the Planning Commission.

Mr. Carter shared that the City Council adopted the short-term rental ordinance last month. Staff has prepared an application for the short-term rental permit which is posted online for submission. The application was mailed to known addresses operating as a

short-term rental with a courtesy advisory notice of the requirement to obtain the annual permit. Staff has advertised the city's adoption of the short-term rental ordinance in the local newspaper prior to the new year.

Mr. Carter shared that the Federal Emergency Management Agency (FEMA) has found the City's floodplain ordinance compliant with the National Flood Insurance Program regulations. He appreciated Ms. Rao, Mr. Fisher, and Ms. Tomlin's hard work towards the effort.

Mr. Carter shared that Housing and Urban Development (HUD) has found the City's CAPER report for the program year 2022-23 compliant with their regulations. CAPER is the annual performance report that the city submits to HUD towards the Community Development Block Grant (CDBG) for home repairs received from HUD.

Mr. Carter shared information about the upcoming activities. He said that in the next few months, Staff will be coordinating with Recreation & Parks to develop a Recognition Program for Best Looking Yard. It will mimic the Lights in the Heights program for recognition and rewards. This is an idea to provide an incentive to residents to maintain their yards in excellent condition. He added that this will be a part of the department's campaign to increase community engagement, connect residents, and encourage neighbors to help one another.

Another item that staff will be working on will be the preliminary site plan and plat application process. Currently, site plan applications require notice to the adjacent property owner 5 days before a Planning Commission meeting. Yet these items are not up for public comment. Per the rules of order, the hearing of citizens generally is for items not on the agenda except for advertised public hearings. Public hearings are items specifically advertised for public comment at the Planning Commission and are a matter of discretion unlike preliminary plats and plans of development, which are not. This creates a scenario where the adjacent property owners are provided notice of a meeting that is not a forum where they can provide comments pertaining to the actual application of interest. Staff plans to coordinate with the City Attorney's Office to reconcile this issue and bring a solution before the Commission for consideration.

Mr. Carter also mentioned that the meeting in the upcoming month is anticipated to have an application for a plat, a plan of development, and a special use permit.

Mrs. Hamilton asked Mr. Carter if he had any updates on the Fall Line Trail project in Colonial Heights as she was aware of Henrico and Chesterfield counties starting the trail development in their areas. Mr. Carter responded that parts of the trails being developed in Henrico and Chesterfield counties were county projects that were planned to link to the Fall line trail whereas the portion of the trail that is planned in Colonial Heights is fully funded by the State. He added that he was aware of community meetings being conducted to get input for trail design but was not aware of the current status of the project and deferred the question to Mr. Ryan. Mr. Ryan shared that the portions of the Fall Line trail that have begun have gone through the design-build process and are administered by VDOT. The proposed alignment by the dam in the city is still being

reviewed and it is deemed as a culturally sensitive area based on the archeological studies for the area.

Mr. Kwiek asked Mr. Carter what was the grace period mentioned in the letters sent to short-term rental operations in the city. Mr. Carter replied by saying generally a grace period of two (2) weeks is given but since the city is facing an issue of delayed mail delivery by the post office, staff will follow up by sending a reminder letter if we do not get a response from the operator within 30 days. If there is still no response from the operator, a notice of violation will be sent.

Mrs. Schiff shared a comment that she has been approached by some residents expressing their unhappiness about the adoption of the short-term rental ordinance. She shared the information that without its short-term rental ordinance, the City would be regulated by State restrictions on short-term rental uses, and therefore, it was in the City's best interest to create an ordinance that specifically addressed the interests of its residents.

3. City Engineer or his designee – Asst. Director of Public Works – Mr. Ryan

Mr. Ryan updated the Commissioners on the status of the ongoing projects in the city. He shared that the Westover Right Turn Lane project is nearing completion. The team is working with the contractor to resolve some issues the VDOT identified in the Lakeview modernization project.

The high school sidewalks project is in the acquisition of the right-of-way phase. The Appomattox Greenway trail spur project is in the development phase. The bridge road reconstruction project is in the development phase.

Mr. Ryan shared that the Department is actively trying to get additional funds for two projects from VDOT and MPO.

Mrs. Hamilton asked Mr. Ryan for an update on the leaf removal program for the year. Mr. Ryan responded that the leaf collection program has begun and crew members are out in the neighborhoods collecting leaves. There is only one crew for the job. He shared that he was not aware of their schedule for each neighborhood and would be happy to share that information later with the Commission.

Mr. Wade shared a citizen complaint about the alley near Snead Avenue lacking maintenance with Mr. Ryan. Mr. Ryan agreed to convey the matter to the maintenance superintendent for consideration.

4. Others, as necessary or appropriate

a. City Manager – Mr. Smith

Mr. Smith extended his gratitude to Mr. Hartson and Mrs. Schiff for their service as the Chair and Vice-Chair and congratulated Mr. Kwiek and Mrs. Levenson-Melvin for stepping into their new roles as the Chair and Vice -Chair respectively. He shared a few updates.

- Ashley Furniture is holding a ribbon cutting ceremony on January 12, 2024.
- Status of the new pickleball court at Lakeview Dam area - new LED lights have

been installed, courts have been milled, and initial leveling of the surface has been completed. Additional court work and fencing will be completed in Spring 2024.

Mr. Kwiek asked for an update on the Popeyes. Mr. Ryan responded that the applicants are still coordinating with the gas utility company regarding the proximity of their proposed structure to the transmission gas lines.

Mrs. Schiff asked if Panera would continue to operate in both locations once the construction at the new location is complete. Mr. Smith responded that he did not have an official update on that yet.

Mr. Kohan asked for an update on the storage facility proposed on Temple Avenue. Mr. Smith responded that he did not have any recent updates on that project.

b. City Attorney – Mr. Fisher


On the item that Mr. Carter had discussed during his report on issuing notices to adjoining property owners for a site plan, Mr. Fisher clarified that there is no state legal requirement for the City to provide adjacent property owners a notice for a plan of development. Mr. Fisher believes the requirement was added to the Commission's Rules of Procedure about seven or eight years ago upon the request of either the Planning Commission or the Planning Staff.

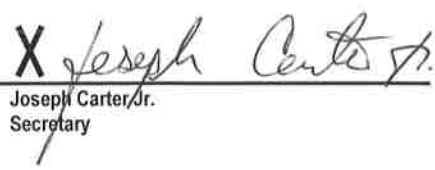
Mr. Fisher shared that the Code of Virginia specifies that the Planning Commission has to meet every other month. However, the City Charter specifies that the Planning Commission has to meet every month. Hence going forward the Planning Commission will have to meet every month to meet the Charter requirement.

Mr. Wade complimented Ms. Rao for how she drafts the minutes, saying they are clear and detailed. Mr. Fisher agreed with Mr. Wade on this. Mrs. Levenson-Melvin and other Commissioners acknowledged the work anniversary of Ms. Rao with the city. Mr. Carter also recognized Ms. Rao's efforts in taking on additional responsibilities within the Department due to the vacancy of the previous Assistant Director and performing in an outstanding fashion.

XI. Adjournment

Mr. Kohan made a motion to adjourn the meeting, Mrs. Schiff seconded the motion and the meeting was adjourned at 6:50 P.M.

X 
Noah Kwiek.
Chairman

X 
Joseph Carter, Jr.
Secretary