



MINUTES
CITY OF COLONIAL HEIGHTS
Regular Meeting of the Planning Commission
Tuesday, May 2, 2023

I. Call to Order

The meeting was called to order at 6:00 p.m.

II. Roll Call

Present:

Mr. Hartson

Mrs. Schiff

Mrs. Hamilton

Mrs. Levenson-Melvin

Mr. Wade

Mr. Kwiek

Absent:

Mr. Kohan

III. Determination of Quorum

A quorum was determined.

IV. Approval of Minutes for the April 4, 2023 meetings

• **April 4, 2023, Work Session meeting**

Mrs. Schiff made a motion to approve the Work Session meeting minutes, Mr. Wade seconded the motion, and all Commissioners voted to approve the minutes as written.

Approved 6-0

• **April 4, 2023, Regular Meeting**

Mr. Hartson said the Commission should accept the invitation from Dr. Cox for a tour of the Colonial Heights High School construction site which would be considered a special meeting of the Planning Commission.

Mrs. Schiff made a motion to approve the Regular meeting minutes, Mrs. Levenson-Melvin seconded the motion, and all Commissioners voted to approve the minutes as written.

Approved 6-0

V. Approval of Agenda

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

Approved 6-0

VI. Hearing of Citizens Generally

No citizens spoke.

VII. Work Session and Action item

A. Staff report of research on Short Term Rental Ordinances

Mr. Carter thanked Mrs. Payne and Mrs. Rao for their hard work in researching short term rental ordinances of other jurisdictions in the country.

Mr. Carter explained the background of presenting research findings on short term rentals and seeking recommendations from the Planning Commissioners. He said staff has been getting inquiries from potentially interested parties and homeowners in establishing short term rentals in the City. The City does not currently have an ordinance to regulate short term rentals. Mr. Carter said the Planning Commission's recommendation will serve as a framework for the drafting of a governing ordinance. Planning Commission's recommendation will be presented to the City Council, where City Council can act on the recommendation so that Staff has clear guidance on the desired outcome. Upon action by Council, the City Attorney and Planning staff will begin preparing the ordinance using sample ordinance language and ordinance language from other Virginia localities. Staff will collaborate with other key City agencies that may be impacted by the use, such as the Police Department, Finance, and Commissioner of Revenue to gain their input for the ordinance.

Mr. Carter shared that as of April 21, 2023, there are approximately seven listings of short-term rentals on the Airbnb platform and one listing on the vrbo platform. With just a few properties listed on these short term rentals platforms, the City has not had any complaints or code violation issues so far. It has mostly been inquiries from people to obtain necessary permits and ensure prompt payment of applicable taxes to the City.

Mr. Hartson asked if the City was obtaining revenue as taxes from these short term rental properties. Mr. Smith responded that the City may be getting taxes from the properties but that would have to be confirmed from the Commissioner of Revenue's office.

Mrs. Hamilton asked if any authority is currently regulating the short term rental properties in the City. Mr. Fisher and Mr. Carter responded that these are currently not regulated by any City agency.

Mr. Hartson asked Mr. Fisher if the Planning Commission had the legal authority to ban short term rentals in the City. Mr. Fisher said that the parameters of what is allowed and not allowed are not certain. The State Code also does not offer much to help regulate the use.

The only court case that serves as a reference point currently is from the Fifth Circuit Court of Appeals in Texas, which said that the locality cannot require the owner to live in the property that is listed for short term rental.

Mr. Kwiek asked Mr. Carter if there was any mechanism in place to monitor the length of stay in short term rental properties. Mr. Carter said that currently, it is difficult to monitor the length of stay in such properties. Research has shown that the ordinances in certain localities did have language that aimed at regulating the length of stay.

Mr. Kwiek shared his concern over what mechanisms could be put in place to stop convicted felons and sex offenders from renting these properties and living in the neighborhoods next to schools and elderly neighbors. Mr. Carter shared that the State Codes regulate the proximity to schools within which sex offenders can live and these are largely enforced by the Real Estate community. With regards to felons, he stated certain laws would regulate the transactions said to prohibit discrimination.

Mr. Carter added that the short term rentals are similar to the hotels and Bed and Breakfast uses. Bed and Breakfast use is allowed only in some zoning districts – Residential Medium Density, Residential High Density, and Boulevard Business in Colonial Heights. Hotels are allowed in Boulevard Business and General Business zoning districts. Bed and Breakfasts and Hotels are not allowed in Residential Low Density zoning districts, which is the zoning district typically where short term rental properties would be found as they are mostly single-family houses.

Mr. Wade suggested that the short term rentals should be limited to certain locations in the City. An annual fee and a higher tax should be charged to these properties. He shared that having short term rentals in the neighborhoods could have impacts such as a decrease the value of other properties, add to the City's infrastructure costs such as water, sewage, and trash, and necessitate more Police Patrolling. This will attract investors from outside who may not care for the City or the property which may lead to more code enforcement issues such as tall grass and clutter.

Mrs. Levenson-Melvin shared her thoughts on short term rentals and said it is best to not attach any stigma to the type of users of these short term rentals. She said there could be family members of patients who are getting treated in the hospitals surrounding Colonial Heights, parents and family members of students studying in the area, tourists that are visiting the historic sites in the City who may all be looking for a "home -like" place to stay for a short period and not have to bear the cost of living in a hotel; and urged the fellow Commissioners to consider the option of having short term rentals in the City. She added that in her opinion it was premature at this stage to limit the areas where these rentals should and should not be allowed. She said she would be comfortable if a draft Ordinance was presented to her to review and critique.

Mr. Carter responded to Mrs. Levenson-Melvin that drafting an Ordinance at this time would be difficult without the recommendations from the Commissioners, however, he could provide further information if required to the Commissioners that can help them make general recommendations.

Mr. Wade asked Mr. Carter how other localities were enforcing the occupancy limits in such rental properties. Mr. Carter said that localities were enforcing occupancy limits by conducting inspections prior to operation of the property as a short term rental, and inspections when complaints are received from the neighbors.

Mr. Smith said that the Commissioners have to see this as the beginning of the process of drafting the Ordinance. By giving recommendations, the Commissioners are providing a framework for the staff to work with which will be discussed with the Council and based on their inputs, the City Attorney will be able to prepare an Ordinance which will be reviewed again by the Planning Commission.

Mrs. Hamilton said that in her opinion, the discussion on a short term rental ordinance needs more time as there are several nuances to be considered. She said she needs more time to be able to give recommendations on the subject matter without feeling overwhelmed.

Mrs. Schiff and Mrs. Hamilton shared that the short term rentals have to be regulated through a Special Use Permit as this will be more restrictive in nature as well as provide an opportunity for the neighbors to raise their concerns.

Mr. Kwiek asked Mr. Carter what was the penalty limit for running short term rentals without registration. Mr. Carter said that a registration fee of up to \$500 can be charged along with a penalty of up to \$500.

Mrs. Hamilton shared that the ordinance has to regulate the parking requirements for the short term rentals.

After further discussion of concerns, Mrs. Levenson-Melvin, Mr. Smith, and Mr. Carter encouraged the Planning Commission to go through the list of general questions attached in the meeting packet and respond. The Planning Commission agreed with votes called on the recommendations as noted below.

B. Planning Commission Recommendations

1. Should the City distinguish between a homeowner operating a short term rental (STR) and living onsite?

6-Yes

0-No

1a. If YES, how should that use be allowed?

A. Should hosted STRs have an administrative process with certain requirements to meet?

3- Yes

3-No

B. Should hosted STRs be a Special Exception Permit that requires public hearings, Planning Commission review, and recommendation followed by City Council action for approval?

3-Yes

3-No

C. Should non-hosted STRs should have a Special Exception Permit for operation?

6-Yes

0-No

D. If you have specific issues, please identify those so that Staff can research appropriate safeguards with any recommendation.

Parking Standards

2. Should there be a limit on how many short term rentals are allowed within a specific residential neighborhood?

6-Yes

0-No

3. Should there be an inspection process before approval?

6-Yes

0-No

4. Should on-site signage be allowed for short term rentals?

0-Yes

6-No

5. Should there be a limit to the number of guests?

6-Yes

0-No

6. Should there be regulations for pets with guests?

6-Yes

0-No

7. Do you have any concerns about the proximity of short term rentals to other uses?

Schools

List of Recommendations

- i. The City should distinguish between non-hosted and hosted short term rentals.
- ii. The application process for a hosted short term rental could be an administrative approval and for a non-hosted short term rental a Special Exception Permit.
- iii. There was a consensus on having an inspection process prior to approval, some of the Commissioners thought that the inspections should be for non-hosted short term rentals only.
- iv. Proximity of short term rentals to schools is a concern that needs to be addressed.
- v. Advertising signs should not be allowed for short term rentals on the property.
- vi. There should be a limit to the number of guests allowed in short term rentals.

- vii. There should be a regulation limiting the number of pets allowed with the guests.
- viii. There should be a limit to the number of short term rentals allowed in a residential neighborhood. It was proposed that determining a ratio of short term rentals to the number of houses in a neighborhood would be a good approach to make it equitable to all residential subdivisions.
- ix. Specific guidelines for parking provisions have to be included.

Mrs. Levenson-Melvin made a motion that the staff proceed to make recommendations to the City Council that will define the use known as “Short Term Rental”, and establish regulations that govern the operation of said use with the recommendations as presented by the Planning Commission

Mr. Kwiek seconded the motion and all Commissioners voted to approve the motion.

Approved 6-0

VIII. Old Business

Mr. Hartson shared that the Sherwood Swim Club property was sold at auction for \$225,000. Mr. Fisher added that the sale was not finalized, as the highest bidder presented a bad check. He said the attorney who was responsible for auctioning the property is currently looking at potential options; whether he should re-advertise and go through the entire auction process once again or go to the next highest bidder, which would be representatives of the Sherwood community. He also mentioned that the highest bidder has been given another opportunity to make the check good.

IX. New Business/Reports

Reports

1. **Chairman – Mr. Hartson**
None.
2. **Director of Planning and Community Development – Mr. Carter**
Mr. Carter shared that Mrs. Payne has resigned from her position as the Assistant Director and has accepted an offer elsewhere. The Commissioners and Mr. Carter thanked Mrs. Payne for her hard work and wished her the best in her future endeavors.
3. **City Engineer or Designee –Director of Public Works – Mr. Campbell**
Mr. Campbell shared the status of the projects. He said the Lakeview Project is in progress and is expected to complete by the end of August or the beginning of September as scheduled.

The Westover Right Turn Lane Project has been awarded and is expected to start in June-July. The Branders Bridge Right Lane Project has also been awarded and is expected to start in June-July.

Mr. Campbell shared that the Appomattox Greenway Trail Boulevard Spur Project

has successfully been accepted for this funding. He added that Phase VI will also be funded in the future.

The pre-construction meeting for the Panera Bread project will be scheduled soon. The preliminary process is through for the 'Sanctuary Project'. A pre-construction meeting will be held shortly.

Mr. Wade asked Mr. Campbell for an update on the pavement along Hermitage Road and Duke of Gloucester Street. Mr. Campbell responded that the preconstruction meeting is scheduled with the contractors for the pavement preservation project and that the work should be completed sometime this summer.

4. Others, as necessary or appropriate

a. City Manager – Mr. Smith

Mr. Smith gave a few updates on new businesses in the City. He mentioned that the City Council will hold a public hearing for the Capital Improvements Plan during the upcoming meeting and have the opportunity to adopt the plan. He added that there were no amendments to the plan from the discussions at the Work Session meeting of the Council.

Mr. Smith shared that an application was put together for one of the galvanized water lines replacement projects under the Community project funding request of \$1.5 million and submitted to the new Congresswoman. The latest update received from the Congresswoman's office is that the proposal has been submitted to the House of Appropriations.

Mrs. Hamilton asked Mr. Smith for updates on the 'Cleanup Day'. Mr. Smith reported that the event was a success with a good turnout. Mr. Wade added that the event was very well organized and about 75 people participated in the clean-up event. Mr. Campbell added that a lot of staff members from the Public Works Department put in a lot of hard work to organize the 'Clean-up Day' event and thanked all of them for their hard work. He thanked Ms. Peterson and Ms. Dixon for their hard work. Mr. Wade shared that the City Council was going to organize an appreciation event for the Public Works team by providing a pizza lunch.

Mr. Kwiek asked Mr. Smith if the Lakeview Park project was a part of the upcoming CIP. Mr. Smith said the Lakeview Park Pickleball Court project was a part of the current year CIP, which is half funded by federal grants and half funded by City bonds. Mr. Smith added that since the park is the Fall Line Trail route, there will be more work being done in the future.

Mr. Kwiek wanted to inform Mr. Smith and others that there has been an increase in alcohol-related accidents on Longhorn Drive in Dunlop Farms in the past three months. Longhorn Drive is being used as a thoroughfare to reach other places in the City. The residents have decided to make a presentation to the Council during the next Council meeting urging them to make efforts to reduce the speed of

ongoing traffic on that street through signages or any such measures.

b. City Attorney – Mr. Fisher

Mr. Fisher shared that the City is a member of the Richmond Region Tourism Group. Being a member of the group, the City will create a tourism improvement district. The idea is that the participating hotels in this district will pay 2% of their gross rental income to the City as a fee, which the City will forward to the Group. The Group will use these proceeds to promote the City's member hotels. The majority of the hotels in the City are in favor of this initiative. This will help promote tourism in the City.

The City has received bonding document for a \$3.4 Million project to rehabilitate failing sewer lines. Mr. Smith added that this work was a part of the current year's Capital Improvements Plan.

X. Adjournment

Mr. Wade made a motion to adjourn the meeting, Mrs. Schiff seconded the motion, and all Commissioners voted to adjourn the meeting. The meeting was adjourned at 8:15 pm.

X *Mitchell Hartson*
Mitchell Hartson
Chairman

X *Joseph Carter Jr.*
Joseph Carter Jr.
Secretary