



**CITY OF COLONIAL HEIGHTS, VIRGINIA
MEETING OF THE PLANNING COMMISSION
City Hall, Council Chambers, 201 James Avenue
Tuesday, March 7, 2023
6:00 p.m.**

MINUTES

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 January 4, 2023 meeting

Mrs. Hamilton suggested that the sentences in paragraph 3 on page 7 reading

“Mrs. Hamilton asked Mr. Parker to consider putting out early signs when leaves are being removed from the curb and gutters are being cleaned in old areas of the City” be rewritten as “Mrs. Hamilton asked Mr. Parker to consider putting out early signs when leaves are being removed from the curb and gutters in older areas of the City.” In addition, she also requested that the sentence “She appreciated the work that the Department had done in putting up road signs” be rewritten as “She expressed appreciation for the recent street pavement in the Hill neighborhood and for the placement of advanced street signage”,

Mrs. Levenson-Melvin made a motion to approve the January meeting minutes, and Mrs. Schiff seconded the motion to approve the minutes as amended, with all Commissioners in favor.

V. Approval of Agenda

Mrs. Schiff made a motion to approve the agenda and Mrs. Levenson - Melvin seconded the motion with all Commissioners in favor.

VI. Hearing of Citizens Generally

No citizens spoke.

VII. Organizational Matters

A. Selection of a Member to serve on the Board of Architectural Review.

Mr. Kweik was recommended to serve as a member of the Board of Architectural Review.

Mr. Wade made a motion to recommend Mr. Kweik to serve the Board of Architectural Review, and Mrs. Levenson-Melvin seconded the motion with all Commissioners in favor.

Approved 6-0

B. Selection of a Member of the Board of Zoning Appeals (BZA) to serve on the Planning Commission (PC).

Mr. Fisher clarified that this agenda item in the past read "Selection of a member to serve on the Board of Architectural Review". This was incorrectly worded; because City Charter Section 17.2 states that the Planning Commission shall choose a member of the Board of Zoning Appeals to serve on the Planning Commission. Hence, rather than the PC selecting a member to serve on the BZA the PC must select a BZA member to serve on the PC.

Chair sought clarification from Fisher on the hierarchy and jurisdictions of BZA and City Council. Mr. Fisher explained that by law the Council is a legislative body like the Senate whereas the BZA is a quasi-judicial body. Mr. Fisher added that in most jurisdictions, the Circuit Court of the locality chooses members of the BZA and not the Council.

It was proposed that Mr. Kohan be reappointed from the BZA to serve on the Planning Commission.

Mrs. Schiff made a motion to recommend Mr. Kohan from the Board of Zoning Appeals serve on the Planning Commission and Mrs. Levenson-Melvin seconded the motion with all Commissioners in favor

Approved 6-0

VIII. Public Hearings

A. PC RESOLUTION NO. 23-01 AND AN ORDINANCE NO. 23-4

The Applicant, Christian Life Center, Inc., owner of parcel identification number 1900010Y001 located at 505 Lakeview Avenue, has filed a special use permit application: 1) to allow a maximum lot coverage of 70% within the RL zoning district; 2) to allow a maximum building coverage of 40% within the RL zoning district; and 3) to reduce the minimum width of the Type C Buffer Option 1 required along the southern property line of the RH zoning district to ten feet (10').

Mr. Carter shared a summary of the proposal and visuals. This proposal is to construct a 9,874 sq. ft. addition for religious assembly use on a lot area of approximately 1.4 acres. The addition results in a building coverage of 34% and a lot coverage of 64% within the RL zoning district, each 14% over the maximum allowed per the City's use and design standards of §286-406.32. To accommodate the proposal and to ensure any future expansions may be allowed, the Applicant is requesting a maximum lot coverage of 70% and a maximum building coverage of 40% for the RL portion of the parcel. The RH portion of the site will meet the City's ordinance for these requirements.

The Applicant is also requesting to reduce the minimum width of the Type C Buffer Option 1 required along the southern property line of the RH zoning district from fifteen feet (15') to ten feet (10'). The Applicant is only requesting that the buffer width be reduced to accommodate the parking lot for the site; the landscaping plantings will still be provided within the buffer.

Staff believes that the proposal is meeting the intent of the required buffer despite the reduced width. Staff found the proposal either meets or exceeds the intent of the ordinance and recommended approval of the proposal subject to the conditions mentioned in the staff report.

Mr. Hartson asked if the proposal considered the widening of Lakeview Avenue and if the buffer is going to be affected by the widening of the road. Mr. Carter responded saying the application does take an account of the widening. Right of way is already purchased and is reflected in the plan. The intent of the buffer is being met in the plan by not placing the parking in the buffer and by providing the same number of plantings.

The Applicant, Christian Life Center, Inc was represented by Mr. Charlie Pavie who addressed the Commissioners and thanked them for their time and opportunity, and offered to answer any questions.

Mr. Wade asked if the buffer at the rear property line was an old rail line. Mr. Pavie responded saying it is the Residential buffer. Mr. Wade asked if the applicant had spoken to the adjacent residents. Mr. Pavie responded that they had spoken to the neighbors the last time when the applicant had applied for a Special Use Permit and they were in favor of the proposal though

they were not spoken with again this time. Mr. Wade asked if the parking would be up to the buffer and not on the buffer to which Mr. Pavie responded affirmatively.

Mrs. Schiff wished the applicant well and said that it was a beautiful building. Mrs. Levenson-Melvin thanked the applicant for being a good neighbor and shared that this proposal will be a wonderful enhancement to the neighborhood.

Mrs. Levenson-Melvin made a motion to approve PC RESOLUTION NO. 23-01 AND AN ORDINANCE NO. 23-4 and Mr. Wade seconded the motion.

Vote: 6-0

Yes:

Mrs. Hamilton

Mrs. Levenson-Melvin

Mrs. Schiff

Mr. Hartson

Mr. Wade

Mr. Kwiek

No: None

Motion: Unanimous Pass

IX. Subdivision/Plan of Development

A. PD 23-01 Dimmock & Jennick Car Wash; 360 Charles H. Dimmock Parkway

Property Owner, 360 Charles Dimmock Parkway LLC requests approval of a preliminary plan of development for a one-story 4,197 square foot express car wash facility located at 360 Charles H. Dimmock Parkway. The existing structure will be demolished to develop the proposed use. The total site area of the property is approximately 1.375 acres. The property is identified as Tax Parcel 68215800009, which is zoned GB – General Business.

Mr. Carter made a summary presentation with the visuals. Staff recommends Planning Commission approve the preliminary plan of development subject to the application receiving final site plan approval meeting all City requirements.

Mr. Steve King, the engineer for the applicant, and Mr. Jamie Nester, President and CEO of Flagstop Car Wash were present and given an opportunity by the Chair to address the Commissioners.

Mrs. Schiff shared that the other Flagstop property in the City is a well-kept property and is regularly used by the residents and that the proposed new car wash will be a great use of the property at this location.

Mr. Nester expressed that they were very excited to have their second site in Colonial Heights.

Mr. Hartson asked Mr. Nester if this business would be named Flagstop and if the services offered here would be similar to the ones offered at the other location in the City. Mr. Nester responded positively to both of these questions.

Mr. Wade asked the applicant about the projected business hours of operation. Mr. Nester responded by saying 8:00 am -8:00 pm during the spring, summer and fall; 8:00 am -7:00 pm in the winter. He added that, from a security standpoint, no cash transactions will be allowed.

Mr. Hartson shared that any noise produced due to the business may not be a concern as no people live in the neighboring properties of the business currently.

Mrs. Levenson-Melvin shared that she is a happy customer of Flagstop and is excited about their expansion in Colonial Heights.

Mr. Kwiek asked the applicant if they would change the existing entrance layout. The respondent replied stating the existing entrance layout will not be changed, the building will be demolished.

Mr. Kwiek asked Mr. Flippen, if the used water coming out of the carwash, require infrastructure upgrades resulting in any added cost to the City. Mr. Flippen shared that Mr. Parker who had reviewed the preliminary plans had shared that the easements in the surrounding of this property are private. Hence any upgrades will be the responsibility of the entity that runs and maintains these easements. Mr. Carter pointed out that there is a standard in the Zoning Ordinance that they recycle 85% of the water they use. The applicant has provided details of the equipment they would be using in the plans that are submitted for review.

Mrs. Schiff made a motion to approve PD 23-01 Dimmock & Jennick Car Wash; 360 Charles H. Dimmock Parkway and Mrs. Levenson- Melvin seconded the motion.

Vote: 6-0

Yes:

Mrs. Hamilton

Mrs. Levenson-Melvin

Mrs. Schiff

Mr. Hartson

Mr. Wade

Mr. Kwiek

No: None

Motion: Unanimous Pass

X. Old Business

Mrs. Levenson- Melvin brought to the attention of the Commissioners a notice for real estate foreclosure on the City’s website. She shared that four commercial properties and three residential properties are listed, Sherwood Hill Swim Club property being one of them.

Mr. Hartson shared with the Commissioners that there were some questions raised about the Sherwood Hills Swim Club property on the social media application *Next Door*.

Mr. Smith added that an update was provided to the City Council about this property during the Council retreat and it was decided that the property would be scheduled for foreclosure sale this month, but the date was changed. Once a new date has been announced, the Commissioners will be notified.

Mrs. Levenson- Melvin shared that she is on the list of the office of James W. Elliott for notifications of foreclosure on this property.

XI. New Business/Reports

Reports

1. Chairman

Mr. Hartson shared his observation on the population statistics of growth in communities from 2020 to 2022. He shared that Colonial Heights, Hopewell, Sussex, and one other locality are the only localities included in the survey that lost population. The Comprehensive Plan for the City has a vision for controlled growth but there is no vision for population decline.

He brought the attention of the Commissioners to the growing trend of Accessory Development Units (ADU). He urged the Commissioners to think about it as it might be necessary to cite this in the next revision to the Comprehensive Development Plan.

Mr. Fisher responded by saying the City Manager, Planning Director, and himself are working on an ordinance to regulate short-term rentals in the City.

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

Mr. Carter mentioned that City code only addresses actions or permits for accessory dwellings or apartments for circumstances that warrant Special Exceptions to be approved by City Council. Recent bills presented to the General Assembly include language that if a locality does not have an Ordinance to regulate short-term rentals that if the bill is approved the locality would not be able to prohibit anything introduced by the bill that the State approved. By having an Ordinance to regulate this, we will be excluded from future bills with such language.

In response to the comments from the Commissioners in earlier meetings of the Commission on grant programs that the City could research for home repairs and improvements, Mrs. Payne made a brief presentation about the Community Development Block Grant (CDBG) program. She gave a brief history of the program in Colonial Heights, the quantum of grants that the City receives, the criteria for

selection of projects for funding under the grant program, and the different repair jobs that can be undertaken using the grant money. Mr. Carter added that the program is currently receiving rolling applications as opposed to annual applications previously. He requested the Commissioners refer homeowners to take advantage of the program if they are aware of any homeowners that might benefit.

Mr. Carter shared with the Commissioners that Mrs. Payne will be presenting the staff reports in the meeting during the month of April as he will be on vacation during the first week of April.

Mrs. Levenson-Melvin asked Mrs. Payne what was the deadline to submit the application to avail of the CDBG grant. Mrs. Payne responded that earlier applications were being received from June 1st to July 30th, but currently, it is received throughout the year on a rolling basis.

Mrs. Levenson-Melvin asked Mrs. Payne about the procedures to balance the money if a homeowner does not use the total amount given to them for a home repair. Mrs. Payne responded by saying that the remainder of the money remains unutilized by the City and is rolled into the next project year. However, the Consolidated Plan that creates the program is reviewed every five years. The next one will be rewritten in 2025. HUD gives the money to the City and the City frames the rules to utilize the money, hence there is definitely an opportunity to include this in the next plan if it is necessary and appropriate.

Mrs. Levenson- Melvin asked Mrs. Payne how the information about the grant program is being shared with the citizens, Mrs. Payne said the information was shared through multiple channels such as Facebook, the City's website, an annual advertisement in the City Focus newsletter, direct referrals, targeted outreach to potential homeowners, and a news flash sent out by the City Manager's office.

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

Mr. Flippen reported that the leaf collection program for 2022-23 is complete. He shared that the comments shared by Ms. Hamilton will be taken under advisement for the next season.

The annual pavement project and the Lakeview Dam project are expected to begin soon. The funding for the Bridge and Boulevard project is approved. Once the final notification is received from the State, the project can be commenced.

The Westover and Boulevard project along with the North Elementary sidewalk phase II project has been approved by the State to take construction bids.

Mr. Hartson asked Mr. Flippen if the litigation on the Westover Ave project had ended to which Mr. Flippen responded that it is mostly resolved. Mr. Fisher clarified that though the issue has not been fully resolved, the part that is lingering will be easily resolved.

The design for the Appomattox River Greenway Trail is complete and the City is seeking the State's approval to proceed with construction.

4. Others, as necessary or appropriate

a. City Manager – Mr. Smith

Mr. Smith shared that a number of items came up at the City Council retreat that needed code amendments.

One of the amendments discussed was related to tall grass and clutter. The City Manager is working with the City Attorney and the Planning Department to draft a revised Ordinance.

Another item discussed at the retreat was a revision to tax exemption for the elderly and people with disabilities. An Ordinance to increase the income table by 10% per tier will be worked upon in the coming weeks. The amount for the highest-tiered level was previously \$44,000 and the maximum net worth limit previously was \$80,000 which will be increased now to \$100,000.

Mr. Smith announced events for the month of April such as the Annual Arbor Day at Violet Bank and the City Clean-up/ Adopt-A-Roadway.

He thanked the Public Works Street's crew, for making multiple trips and picking up thirty bags of trash on a Saturday to clear the overabundance of trash from different streets in the City.

Mr. Smith also gave some business updates and mentioned that Ashley Furniture store will be relocating next to Toys R Us sometime this year and the Townhouse Suites construction is coming along. Also, the Panera Bread project is moving forward and being finalized with Engineering approvals.

Mr. Smith informed the Commissioners that in the April meeting, the Capital Improvement Program recommendations will be brought to the Commission for review and approval. The full document will be made available to the Commissioners before for review.

Mr. Smith shared that the staff had put together an application for additional funding of \$7,000,000 for water and stormwater projects. The City did not receive the grants for sewer projects.

b. City Attorney – Mr. Fisher

Mr. Fisher requested The Commissioners to come forward and suggest any projects they may have in mind to include in the Capital Improvement Plan. He shared that numerous changes were discussed to Chapter 244 on Solid Waste Management by the Council during the Retreat. A new comprehensive ordinance is being drafted on tall grass reducing the time for compliance. The revised ordinance will also simplify the method of serving the notice of violation to properties and will have more stringent penalties.

Another change to the code will be providing more enforcement power to having exterior objects inappropriately left outside. He added that the state legislature does not give much authority to regulate objects that are intended for outdoor use being kept outside. The enforcement authority is mainly directed towards objects that are meant to be kept and used inside being kept outside. The term 'Clutter' is being added to the new ordinance which if approved by the Council may give some authority to regulate objects which otherwise may be legal but constitute clutter.

XII. Adjournment

Mr. Wade made a motion to adjourn and Mrs. Schiff seconded the motion with all Commissioners in favor. The meeting was adjourned at 7:20 pm.

X *Mitchell Hartson*

Mitchell Hartson
Chairman

X *Joseph Carter Jr.*

Joseph Carter Jr.
Secretary