



MINUTES
CITY OF COLONIAL HEIGHTS
Regular Meeting of the Planning Commission
Wednesday, July 5, 2023

I. Call to Order

The meeting was called to order at 6:04 p.m.

II. Roll Call

Present:

Mr. Hartson

Mrs. Schiff

Mrs. Hamilton

Mr. Kohan

Mrs. Levenson-Melvin (Remote)

Mr. Kwiek (Remote)

Absent:

Mr. Wade

III. Determination of Quorum

A quorum was determined.

Mrs. Levenson-Melvin stated her inability to physically attend the meeting as she was on vacation in Myrtle Beach South Carolina. Mr. Hartson called the Commissioners to vote to let Mrs. Levenson-Melvin participate remotely in the meeting. All Commissioners voted in favor.

Approved 4-0

Mr. Kwiek stated his inability to physically attend the meeting as he was on vacation in Cape Hatteras in North Carolina. Mr. Hartson called the Commissioners to vote to let Mr. Kwiek participate virtually in the meeting. All Commissioners voted in favor.

Approved 4-0

This is the first time in 2023 that Mrs. Levenson-Melvin and Mr. Kwiek have participated remotely in a Planning Commission meeting.

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

• **May 2, 2023 Regular Meeting Minutes**

Mrs. Levenson-Melvin pointed out that on page 6 in the section that lists recommendations, a motion to approve was made by Mrs. Levenson-Melvin and seconded by Mr. Kwick. The minutes have to be revised to reflect this.

Mr. Hartson pointed out that on page 3, Mrs. Levenson-Melvin's name was misspelled which needs correction.

Mrs. Schiff made a motion to approve the amended minutes, Mrs. Hamilton seconded the motion, and all Commissioners voted to approve the minutes as amended.

Approved 6-0

• **May 23, 2023 Special Meeting Minutes**

Mrs. Schiff made a motion to approve the special meeting minutes, Mrs. Hamilton seconded the motion, and all Commissioners voted to approve the minutes as written.

Approved 6-0

V. Approval of Agenda

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

Approved 6-0

VI. Hearing of Citizens Generally

No citizens spoke.

VII. Update on the possible addition of short-term rental provisions to the City Code

Mr. Carter made a recap of events related to the addition of short-term rental provisions to the City Code. He also advised that staff research collected on ordinances from other localities relating to short-term rentals were presented to the Planning Commission and specific questions were asked to obtain recommendations from the Planning Commission during the meeting in May 2023.

Mr. Carter shared that the staff made a presentation of the research and the recommendations from the Planning Commission to the City Council on June 20, 2023. He said the Council welcomed the Planning Commission recommendations and staff input and decided to discuss the short-term rental ordinance in detail in a work session on July 18, 2023.

Mr. Carter added that through continued research, Staff has learned some new things about the short-term rental ordinance:

- the levy of tax on short-term rental properties is mandatory according to the State code.
- some localities are addressing whether or not accessory structures such as garages are to be allowed as short-term rentals.
- some localities are looking at permit renewals on an annual or biennial basis such as Richmond, which requires permit renewal every two years with a permit fee of \$300.

- City Code § 98-10 sets forth the number of animals permitted on a property. Thus, the number of pets allowed in the short-term rental ordinance is limited pursuant to the existing Code.

Mr. Hartson asked Mr. Carter if the ordinance can include the language to address whether or not ‘tiny homes’ as accessory structures on a lot are to be used for short-term rentals. Mr. Carter replied that he could bring this point before the Council for discussion during the work session; however, keeping in mind the time sensitivity and importance of having an Ordinance in place before the end of the year and the various steps involved, he suggested that this point not be discussed at the moment but brought back into the Ordinance if there is a need at a later date. Mr. Hartson agreed with Mr. Carter.

Mrs. Schiff asked Mr. Carter the modus operandi to identify the existing short-term rentals as well as City’s outreach efforts to let people know that they need to pay taxes to operate their rentals. Mr. Carter replied that currently, the City Charter has a provision whereby any interested party can put a property to any use not stipulated by the zoning through ‘Special Use Permit’ from the City Council. The public announcements will be through the City’s website, City Focus, and display screens at the City Hall and Library.

Mr. Carter shared with the Commissioners that he is being approached by representatives from the industry like AirBnB about a short-term rental ordinance in the City.

VIII. Old Business

None

IX. New Business/Reports

Reports

1. **Chairman – Mr. Hartson**
None.

2. **Director of Planning and Community Development – Mr. Carter**
Mr. Carter updated the Commissioners on the progress made so far toward hiring a suitable candidate for the new Assistant Director position. He said the top candidate who was offered the job decided to take an offer elsewhere. The position has been advertised again with the revised salary from the new fiscal year budget, and the response has been good.

Mrs. Schiff asked if the City’s salary was competitive. Mr. Carter said the revised salary is pretty decent compared to market standards.

Mr. Hartson asked Mr. Carter what could be the possible reason for not receiving more applications. Mr. Carter responded that the choice of teleworking seems to be an important factor.

Mr. Kohan asked Mr. Carter how is the vacancy advertised. Mr. Carter explained that

the vacancy has been posted on City's webpage, and on the websites of organizations involved in Planning and Zoning, such as the Virginia Association of Zoning Officials, the Virginia Chapter of the American Planning Association, and the Virginia Municipal League. He added that he has also shared it with members of professional groups that he is a part of, such as the Alumni group of VCU, LinkedIn, etc.

Mrs. Hamilton asked Mr. Carter if he could elaborate on the clutter ordinance and its provisions. Mr. Carter explained the provisions of the ordinance and how the language puts a restriction of up to 30 days for the storage of objects meant for outdoor use in the yard. Accumulation of such objects in the yard for over 30 days qualifies it as 'clutter' which can be addressed under the new clutter ordinance.

Mrs. Schiff asked Mr. Carter if the code officers can file a violation case on a property based on their own observation or do a citizen have to complain. Mr. Carter responded that the City is a proactive code enforcement City. The Officers file violation cases based on their observations.

Mrs. Hamilton asked Mr. Carter what are the consequences of violating the 'clutter ordinance'. Mr. Carter explained that the consequences of violation of the 'clutter ordinance' are the same as the violation of 'tall grass' or 'exterior storage of objects'. There is a \$100 administrative fee and the cost of removing those items from the property.

Mrs. Hamilton asked what was the City's policy to replant the trees along the Boulevard and other parts of the city like the Library, Temple Avenue, etc., that are destroyed due to natural calamities like the recent storm or due to time and the age of the tree. Mr. Carter offered to research this and come back to the Commissioners with any information that he can find.

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

Mr. Ryan shared the status of various projects in the City.

- The Middle School Sidewalk Project is in progress.
- Two design reviews are close to obtaining bids.
- North Elementary School Sidewalks Project Phase II is in progress and is scheduled to be complete by the end of August .
- Westover Right Turn Lane project construction has started and is expected to complete by the beginning of November .
- Lakeview Modernization construction is in progress, and the grading for the sidewalk and pavements are being prepared.
- Appomattox River Greenway Trail Phase V is out for bid currently.
- The design is complete by about 90% for the High School Sidewalks Project
- Right of Way acquisition is in progress at about 60% for the Boulevard and Temple Avenue Intersection Improvements Project.
- Branders Bridge Right Turn Lane Project – construction has started and is scheduled to be completed by the end of September.
- Stare of Good Repair Paving Project on Boulevard is currently in the work stage.

- Two Capital Improvements funded projects in Lexington and Conduit is initiated.
- Pavement preservation project is wrapping up for the year.
- Towneplace Suites, Panera Bread, The Sanctuary, and Rio Car Wash are under construction.
- Roslyn Farms Lot 12 and Magnolia Hill are currently in stormwater review.
- Flagstop Car Wash is currently in the design review stage.
- Temple Ave Storage is in the first design submission stage.

4. Others, as necessary or appropriate

a. City Manager – Mr. Smith

Absent - None

b. City Attorney – Mr. Fisher

Mr. Fisher shared that he was working with Mr. Carter on a revised Sign Ordinance which will be presented to the Planning Commission sometime this year for review.

X. Adjournment

Mrs. Schiff made a motion to adjourn the meeting, Mr. Kohan seconded the motion, and all Commissioners voted to adjourn the meeting. The meeting was adjourned at 7:10 pm.

X *Mitchell Hartson*
Mitchell Hartson
Chairman

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

