



**MINUTES**  
**CITY OF COLONIAL HEIGHTS**  
**Regular Meeting of the Planning Commission**  
**Tuesday, August 1, 2023**

- I. Call to Order**  
The meeting was called to order at 6:00 p.m.
- II. Roll Call**  
Present:  
Mr. Hartson  
Mrs. Schiff  
Mr. Wade  
Mr. Kohan  
Mr. Kwiek  
Mrs. Levenson-Melvin  
Mrs. Hamilton
- Absent:  
None
- III. Determination of Quorum**  
A quorum was determined.
- IV. Approval of Minutes for the July 5, 2023 meeting**  
Mrs. Schiff made a motion to approve the minutes, Mr. Kweik seconded the motion, and all Commissioners voted to approve the minutes as written.  
**Approved 7-0**
- 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 7-0**
- VI. Hearing of Citizens Generally**  
No citizens spoke.

## **VII. Public Hearings**

### **A. PC RESOLUTION NO. 23-03; Ordinance Number 23-18**

#### **CP-23-01; Request for Comprehensive Plan Amendment – 105 Norfolk Ave.**

Request to amend the City's Comprehensive Plan (Master Plan) Land Use Map classification for 105 Norfolk Avenue, parcel identification number 41000402043, from Low Density Single-Family designation to Community Commercial designation.

Mr. Carter, in his presentation, shared that the owner of the convenience store located at 801 Boulevard proposes to expand the store onto a separate property of the owner located east of the existing convenience store at 105 Norfolk Ave. The convenience store use is proposed to expand by 384 square feet on the north and east side of the existing convenience store building. To accomplish this, the property at 105 Norfolk Avenue must be rezoned to allow convenience store use. To receive support for the rezoning, the applicant is requesting to change the land use map designation for the subject property from the Low Density Single-Family designation to the Community Commercial designation.

Mr. Carter added that the expansion of the convenience store/gas station proposes to retain the existing single-family dwelling onsite; therefore, there should be limited disruption to neighborhood character as existing uses are proposed to be retained.

Should the rezoning be approved, the owner will be required to install a landscaping Type B buffer yard between the existing single-family dwelling located at 105 Norfolk Avenue and the adjacent property located at 107 Norfolk Avenue to the east per the City's zoning ordinance requirements. The applicant is voluntarily proposing to provide evergreen trees between the existing residence of 105 Norfolk Ave. and the convenience store. The applicant will have to comply with the exterior brick theme for the Main Street Approach of the Boulevard Overlay District.

The site must provide a total of seven (7) parking spaces on the property at 801 Boulevard. The Department of Engineering & Public Works did not have any comments on the traffic study submitted by the applicant.

The Police Department had a concern about the additional gaming machines as they can generate service calls. The applicant has stated that 4 gaming machines are on the property and there is no intention of adding more gaming machines. The applicant has welcomed periodic inspections and reviews at his business from all applicable enforcement agencies having jurisdiction over such matters. The Police Department is satisfied with this response.

Mr. Carter shared that Staff received comments from the property owners of 107 Norfolk Ave. They were concerned about drainage in the alley and also about a future development proposal removing the residential structure after rezoning. Staff notes the concerns for the drainage alley, while may be valid, may not be attributed to this property. If the property is rezoned to BB, the property will be entitled to all uses listed in the BB zoning district, which could allow the property owner to remove the residential structure. If rezoned, any development will be required to install a buffer yard between current 105 and 107 Norfolk Avenue.

Mr. Hartson opened the floor for the Public Hearing.

Mr. Larry Fisher, owner of the property at 205 Norfolk Avenue, shared his concerns about the maintenance of the property at 105 Norfolk Avenue. The rezoning would be unfair to the other property owners along Norfolk and Suffolk Avenues as the value of the property which is zoned residential is lower than the one zoned Commercial. He asked if the City Code required posting a sign at the property when the property was being rezoned.

Ms. Ivy, owner of the property at 203 Norfolk Avenue, said the rezoning application if approved, will trigger a chain reaction and result in changing the character of the neighborhood, a neighborhood that has a historical character to it. She also pointed out that the convenience store has had several cases of robbery reported which is a safety issue.

Ms. Betty Harger, property owner of 107 Norfolk Ave said that the house on 105 Norfolk is only about 3-5 ft away from her property line so anything that happens to this property at 105 Norfolk will directly impact her. She added that due to the paving in the alley, the basements of the neighboring properties are flooded, and cutting the grass in these neighboring properties is an issue as the yards are soggy. There is an increase in the traffic on the alley due to the convenience store.

Ms. Stephanie Westone, the property owner of 120 Suffolk Avenue said she was not in favour of the rezoning idea. She said that this would set a bad precedent and lead to other residential properties being rezoned to commercial properties and changing the character of the neighborhood. She said there was a lot of foot traffic in the alleyway and a lot of garbage associated with the foot traffic. The maintenance of the property does not instill confidence that the owner of the property at 105 Norfolk will not disturb the residential property in the future.

Mr. Bobby Harger, the owner of the property at 101 Biltmore Drive, shared similar concerns about the property maintenance and the intentions of the owner to retain the residential property in the future.

Mr. Dean Hawkins, the representative of the applicant shared that he was willing to prepare the site plan and bring it back to the Commission for a public hearing to understand if it addresses the concerns of the neighbors. However, to be able to do that, the zoning approval is necessary.

Mr. Hartson concluded the public hearing and invited the Commissioners to ask questions of the applicant and the staff.

Mr. Wade asked the staff about the zoning classification of a few properties along Norfolk Avenue to determine if there was Commercial activity existing along Norfolk Avenue. Mr. Carter explained that there are properties with commercial activities along the north side of Norfolk Avenue. He elaborated that every application is assessed based on the facts of the application, even though there may be similarities between applications, there is no precedence being set as every application is assessed based on its own merit.

Mr. Wade asked the staff if there would be a buffer between the properties 105 and 107 Norfolk Avenue. Staff responded that there would be. Mr. Wade asked the applicant what the

proposed addition's footprint would be. The applicant responded that it would be **about 8-9** feet deep, along the length of the building.

Mr. Wade asked the staff if all the property owners along Norfolk Avenue were **reached out** to. Staff responded that the notice of public hearing on the rezoning was sent to the **property** owners of adjacent properties at 105 Norfolk Avenue along Norfolk and Suffolk Avenues.

Mr. Wade asked if there were any code violations on the property in the past. Staff agreed to send that information to the Commissioners. Mr. Wade asked the applicant if they would volunteer to light up the alley to address the safety concerns of the neighbors. Mr. Hawkins responded that they would.

Mrs. Hamilton asked if there would be 4 parking spaces dedicated to the convenience store as shown in the application. Mr. Hawkins clarified that based on the parking requirements shared by the Planning Department, there may be a change to the parking spaces.

Mrs. Hamilton asked the applicant if there would be a boundary line adjustment made as shown in the application and if so, would the entire property be one parcel? The applicant and staff shared that boundary line adjustment is a necessary process and would make the entire property one parcel.

Mrs. Hamilton shared the historical perspective of the 100 block homes in the Chesterfield Highlands subdivision and its significance as an architectural preservation district.

Mrs. Hamilton also shared her concerns about the maintenance issues at the property.

Mr. Hartson asked the staff to respond to Mr. Fisher's question during the public hearing about posting a sign at the property for rezoning. The City Attorney clarified that it is not required in the Code; however, it is considered a good practice and is at the discretion of the Planning Director.

Mr. Kweik expressed his concern about meeting the economic prosperity objective #8 – improve and maintain the City's housing stock as there is no letter from the applicant stating that the residence will not be torn down upon rezoning.

Mr. Kohan asked Mr. Hawkins what would be the size of the trees that the applicant intends to plant in the buffer space. Mr. Hawkins responded that evergreen trees 6ft tall and 6-8 feet center will be planted. Mr. Carter added that the City Code stipulates the size of the vegetation required to be planted in the buffer which is 6 ft tall evergreen trees and 2ft tall shrubs.

Mr. Kohan asked if the seven parking spaces required were in addition to the existing ones. Mr. Carter clarified saying it is seven parking spaces in total, including the existing ones.

Mr. Kohan asked the applicant to share the details of the type of fence that would be put on the property. Mr. Hawkins responded that based on the change in the parking plan, putting a fence may not be necessary.

Mrs. Schiff made a remark that she is pro-business; however, protecting the character of the neighborhoods, particularly the historic ones, is very important. Neighbors have expressed their opposition to the rezoning proposal which needs to be considered. Past Councils have always tried to protect the Boulevard plan which is very important.

Mrs. Levenson-Melvin shared that she would require the following information to decide on the application.

1. The status of zoning and land uses of the surrounding properties across from 801 Boulevard;
2. Report on the history of code violations on the properties and the compliance by the owner;
3. Communications that were sent out to the adjacent property owners about the application;
4. The statistics of the criminal activities at the business property (801 Boulevard) especially due to gaming activities;
5. Consideration of a proffer from the applicant to retain the residential property on 105 Norfolk Avenue;
6. Plan to address the parking, lighting in the alley, and drainage in the alley by the applicant;
7. Efforts by the staff towards further advertising about the rezoning proposal through signage on the street for the public; and
8. Plan to address the buffer between the properties by the applicant

Mrs. Levenson-Melvin expressed that the presence of the applicant along with his representative would be preferable, especially with proffers being considered.

Mr. Hartson proposed that the discussion be deferred to another meeting. He added that if a proffer to retain the residence on 105 Norfolk Avenue was made, the Commission would feel more comfortable in making a decision.

Mr. Wade made a motion to defer the decision on the application for Comprehensive Plan amendment to another meeting in the future. Mrs. Schiff seconded the motion, and all Commissioners voted to defer the decision on the application to another meeting.

**Approved 7-0**

**B. PC RESOLUTION NO. 23-04; Ordinance Number 23-19  
RZ-23-01; Request for Rezoning – 105 Norfolk Ave.**

Request to amend the City's Zoning Map classification for 105 Norfolk Avenue, parcel identification number 41000402043, from RL (Low Density Residential) zoning district to BB (Boulevard Commercial) zoning district.

Mr. Carter, in his presentation, shared that the City's Comprehensive Plan designates the subject property as Low Density Single-Family for future development. The applicant is requesting the land use designation be amended to Community Commercial to support rezoning the property to BB (Boulevard Business). BB (Boulevard Business) zoning district is the appropriate zoning district to implement the Community Commercial designation. The application as proposed would meet certain Goals and Objectives of the City's Comprehensive Plan:

- Economic Prosperity
- Community Character
- Sustainable Development

Mr. Hartson opened the floor for the public hearing.

During the public hearing, Ms. Freeland, the property owner of 111 Norfolk Avenue, shared that she had safety concerns because of the traffic in the alleyway, especially with parking towards the alley.

Mr. Hartson concluded the public hearing.

Mrs. Schiff made a motion to defer the decision on the application for rezoning to another meeting in the future. Mr. Kweik seconded the motion, and all Commissioners voted to defer the decision on the application to another meeting.

**Approved 7-0**

## **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 shared an update on the short term rental ordinance with the Commissioner. He said that the City Council held a work session on the short term rental ordinance discussion on July 19, 2023. The Council was interested in regulating the use and gave the staff a direction to draft the ordinance for review. The ordinance will stipulate an administrative process for both hosted and non-hosted short term rentals which can be amended at a later date for a special exception permit if need be.

Mr. Carter also shared that an offer was made to a candidate for the Assistant Director position. The offer has been verbally accepted. The candidate is expected to join the team by the end of August.

3. **City Engineer or Designee –Director of Public Works – Mr. Ryan**  
Mr. Ryan updated the Commissioners on the status of the ongoing projects in the City. SRTS North Elementary Phase 2– The construction is ongoing, and scheduled to be completed by the end of August.
  - Westover Right Turn Lane - The construction is ongoing, and scheduled to be completed by the beginning of November.
  - Lakeview Modernization - Installation of pavement on the north side complete.

- Contractors will be paving the south side which will be complete in a few days.
- Appomattox River Greenway Trail Phase V - Received bids from two contractors which were both higher than the allocation by \$1 Million. Efforts will be made to procure additional funding in the future to implement the project.
- High School Sidewalks – Right of Way acquisition is in process.
- Boulevard at Temple Intersection Improvements - Constructability review by MBP completed, comments sent to design engineer
- Branders Bridge Right Turn Lane – Construction is ongoing and is expected to finish earlier than scheduled.
- State of Good Repair – In the process of awarding the project
- Appomattox Greenway Trail Boulevard Spur - Awaiting authorization to open preliminary engineering to start from VDOT
- Ridge Road Reconstruction – Design is in process
- Lexington & Conduit Outfall – Right of Way acquisition complete, deed recordation and property owner compensation in process
- Towneplace Suites – Under construction.
- Panera Plan – Under construction.
- Chick-Fil-A Parking Lot Plot Plan – No activity this month.
- Roslyn Farm Lot 12 – No activity this month.
- White Bank Landing Section 4 Site Plan – No activity this month.
- White Bank Landing Section 4 Subdivision Plat – No activity this month.
- Colonial Heights High School Addition – Under construction.
- Magnolia Hill Plan of Development – Design under review
- The Sanctuary (505 Lakeview) – Under construction.
- Home 2 Charles Dimmock – The preliminary plan was approved on July 5, 2022. A final site plan was not submitted within one year. The preliminary plan has now expired.
- Rio Car Wash Site Plan – Under construction.
- Popeye’s Site Plan – Stormwater plan is under review
- Southlake Pond Fill – 2nd submission received
- Charles Dimmock and Jennick Car Wash (Flagstop) – 3rd submission received
- Temple Ave Storage – No activity this month

The City Attorney made a comment that the Department of Public Works and Engineering’s efforts have to be commended for the amount of funding that has been generated for all these projects with no matching funds from the City being required.

Mr. Hartson made a special mention of the great work of the Department of Public Works and Engineering in clearing the storm debris in the City.

#### **4. Others, as necessary or appropriate**

##### **a. City Manager – Mr. Smith**

Mr. Smith shared that the City has posted some advertisements about the 75<sup>th</sup> anniversary of Colonial Heights becoming a city. He shared that 2026 will be the 100<sup>th</sup> anniversary of Colonial Heights becoming a town. The city will make efforts to celebrate the 75<sup>th</sup> anniversary; however, plans are on for a grand

celebration for the 100<sup>th</sup> anniversary.

- b. **City Attorney** – Mr. Fisher  
None

**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 8:30 pm.

X *Mitchell J. Hartson*  
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Mitchell Hartson  
Chairman

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