



**CITY OF COLONIAL HEIGHTS, VIRGINIA
MEETING OF THE PLANNING COMMISSION
City Hall, Council Chambers, 201 James Avenue
Wednesday, January 4, 2023
7:00 p.m.
AGENDA**

- I. Call to Order**
- II. Roll Call**
- III. Determination of Quorum**
- IV. Approval of Minutes for the November 1, 2022 meeting**
- V. Approval of Agenda**
- VI. Hearing of Citizens Generally**
- VII. Organizational Matters**
 - Election of Chairman and Vice-Chairman
 - Appointment of Secretary
 - Adoption of Rules of Procedure
 - 2022 Annual Report
 - Adoption of Planning Commission Meeting Schedule for the Next 12 Months
 - Meeting Days
 - Meeting Time
- VIII. Old Business**
- IX. New Business/Reports**

Reports

 - 1. Chairman** – Mr. Hartson
 - 2. Director of Planning and Community Development** – Mr. Carter
 - 3. City Engineer or Designee – Asst. Director of Public Works** – Mr. Campbell
 - 4. Others, as necessary or appropriate**
 - a. City Manager** – Mr. Smith
 - b. City Attorney** – Mr. Fisher
- X. Adjournment**



**CITY OF COLONIAL HEIGHTS, VIRGINIA
MEETING OF THE PLANNING COMMISSION
City Hall, Council Chambers, 201 James Avenue
Tuesday, November 1, 2022
7:00 p.m.**

MINUTES

I. Call to Order

The meeting was called to order at 7:00 P.M.

II. Roll Call

Present:

Mr. Hartson

Mrs. Levenson-Melvin

Mrs. Schiff

Mrs. Hamilton

Mr. Kwiek

Mr. Wade

Absent:

Mr. Kohan

III. Determination of Quorum

A quorum was determined.

IV. Approval of Minutes for the October 4, 2022 meeting

Mr. Wade moved to approve the Minutes with amendments and Mrs. Schiff seconded the motion.

V. Approval of Agenda

Mrs. Levenson-Melvin made a motion to approve the Agenda and Mrs. Schiff seconded the motion.

VI. Hearing of Citizens Generally

No citizens spoke.

VII. Subdivision/Plan of Development - Preliminary

A. PD 22-05: 1869 Southpark Blvd

Property owner Colonial Heights Association Limited Partnership proposes a preliminary site plan approval of a 0.875-acre portion of 1869 Southpark Boulevard, parcel identification number 68204700019. The proposed fast-food restaurant contains 2,529 square feet and the site is zoned GB – General Business District.

Mr. Carter introduced this plan of development as the second part of the project for Popeyes Restaurant. Mr. Carter showed the site location and architectural elevations which are typical for this restaurant. Mr. Carter said there are gas lines on the property and has forwarded those comments to the gas provider. The application was represented by Mr. Charles Townes.

Mr. Wade asked about the direction of the building frontage. Mr. Carter said the building’s narrow side will be facing Temple Ave. Mr. Hartson added that the longer side of the building will be parallel to Southpark Boulevard facing the JC Penney retail store.

Mrs. Schiff moved to approve Plan of Development 22-05 and Mr. Wade seconded the motion.

Vote: 6-0

Yes:

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

No: none

Motion: Unanimous Pass

B. PD 22-06: 1702, 1708 & 1712 Boulevard

Property owner Wallace Properties, LLC proposes a preliminary plan approval of 1702, 1708, and 1712 Boulevard, parcel identification numbers 2200030A002, 2200030A004, and 2200030A009. The proposed development is a 4,197-square-foot, one-story, express car wash facility. The total site area is 0.75 acre and zoned BB – Boulevard Business.

Mr. Carter presented a plan of preliminary approval for a Rio Carwash at 1702, 1708, and 1712 Boulevard. The three parcels for this project are zoned Boulevard Business which allows for the use of a carwash. The proposal called for the existing structures to be

removed: a cash-checking service, a limousine service, and a residential structure serving as the office for the limousine service.

Mr. Carter said Cedar Lane, the road in front of the three parcels is an access road parallel to the Boulevard. The access road is an additional item that will be subject to a vote from City Council. The item going before City Council is a request to convert the existing right of way which is an access road, into a green space area. This would consist of removing the pavement of the access road and installing grass and dirt in the right of way. This item will be voted on by City Council on November 10th. The vote for the Plan of Development is independent of the City Council's decision for the use of the right of way. The City Council's decision may or may not affect the plan of development because the project will still require sidewalks and landscaping.

The property will be required to have access to a right of way, and the applicants chose A Avenue as the access point to the property. One citizen expressed concern about the access point at A Avenue and buffering of the existing residential homes behind the proposed carwash. Mr. Carter said the ordinance requires an eight-foot buffer that includes a row of evergreens and a row of shrubs. There was also a concern about noise and Mr. Carter recommended the citizen reach out to the developer directly to express his concerns about noise. Mr. Steve King, an engineer for Silver Core was present to ask any questions.

Although it was not required, Mr. Hartson provided an opportunity for citizens to speak about the project. The owners of the property, Wallace Properties, LLC were present and introduced themselves to the Commission as the sellers of the property.

Mr. Wade asked who would be paying for the conversion of the right of way to green space. Mr. Fisher answered that the applicant would be responsible for removing the pavement, installing the green space, and maintaining it. The proposed easement will last ten years. At the end of the ten years, the applicant has no obligation to reinstall the pavement. Mr. Wade clarified that the area could stay as green space and Mr. Fisher replied yes, the responsibility of the green space would be the current owner or the next owner if the property were to be sold.

Mr. Wade asked if the right of way would be deeded to the car wash and Mr. Fisher replied no, the property owner does not own the right of way and the City will always have ownership. Mr. Wade asked if the conversion of the easement would inhibit access to the Kentucky Fried Chicken restaurant that is next to the proposed car wash. Mr. Chip Dicks who represented Rio Carwash, said the landscaping would be similar to the Hardees restaurant that is on the other side of the Kentucky Fried Chicken restaurant. He was working on the agreement with Mr. Fisher and offered for the easement agreement to automatically renew at the end of the ten years and include the easement maintenance.

Mr. Wade asked if the newly landscaped easement would include sidewalks and ornamental streetlamps and Mr. Dicks replied yes, it is shown on the site plan. Mr. Wade was concerned about the traffic and access to A Avenue and Mr. Dicks pointed out the access is already restricted due to the Hardees landscaping easement of Cedar Lane.

Customers would be able to drive into the Kentucky Fried Chicken restaurant and exit at the same entry point. The proposed easement does not contain trees such as Crepe Myrtles or tall bushes which could pose a sight issue for drivers coming in and out of Kentucky Fried Chicken. Mr. Fisher said Cedar Lane used to go all the way to Colonial Italian Restaurant and it has been blocked off over the years, but he has not heard any issue of businesses being impacted by the removal of that part of Cedar Lane.

Mr. Wade asked about the business hours of the car wash which is from 8:00 A.M. to 8:00 P.M. Mr. Dicks said the decibel analysis showed there wouldn't be any noise issues for the homeowners (located on Franklin Avenue) adjacent to the proposed car wash due to the buffering of the trees. The noise of the car wash dissipates with the tree buffer. The noise would be equivalent to the decibel level of an indoor vacuum cleaner being used outside at the property line. Mr. King confirmed that the vacuum cleaners are on the outside of the car wash. There will be a line of seven vacuums but only one motor. This style is quieter than the older style of outdoor vacuum cleaners. The proposed vacuums will have a noise level of 73 decibels from three feet away, the equivalent of an indoor vacuum cleaner. At thirty feet away, the noise level is 38 decibels which is compared to a suburban area at night. At the property line between the properties, the noise level is 20 decibels, a quiet natural area with no wind. The vacuums are not coin-operated and will be turned off nightly at the close of business.

Mr. Wade asked about the lighting of the business. Mr. King said a lighting plan was created that shows the light poles have house-side shields and face inward towards the business. The lights are LED and will not encroach upon the residential properties. The lights are 0-foot candles at the property. Mr. King will confirm with the light coordinator that the lights will be dimmed down to a safe level after business hours. Mr. King added that there will be street trees but they will be limbed up to provide visibility for pedestrians and drivers. Mrs. Schiff said it was a positive development and was glad to see the landscaping of Cedar Lane.

Mr. Kwiek asked if A Avenue is a normal street width and Mr. Campbell replied that is the standard width for the City. As the City Engineer, he did not see any issue with traffic ingress and egress onto A Avenue in a situation such as Chik-Fil-A. Mr. Kwiek also asked about the orientation of the building, he had a concern about potential blind spots for crime.

Mrs. Levenson-Melvin asked if other locations are in the area. Mr. Dicks said there are several Rio car washes in Chesterfield and its' home base is in Fredericksburg. The owner, Jeff Small has been in the car wash business for two decades and their goal is to provide a good car wash experience. The franchise has done several charity and community events such as free car washes. The owner of Rio, Mr. Small has pledged to be a good community partner. Their goal is to make Cedar Lane look nicer and more attractive, similar to the landscaping of Hardees. Mrs. Levenson-Melvin also said she is a customer of Kentucky Fried Chicken and she thinks there will be a traffic issue that should be reviewed with the owners of Kentucky Fried Chicken. The applicants said they have not reached out to the owners on either side of the proposed car wash. Mr. Carter added that they do send a notice to adjacent property owners about the plan of

development.

Mr. Hartson asked how people are restricted from just driving to the car wash and using the vacuums without paying for a car wash. Mr. King said the building will have three to four employees at the building during business hours, monitoring the operations of the business.

Mrs. Schiff moved to approve Plan of Development 22-06 and Mrs. Levenson-Melvin seconded the motion.

Vote: 6-0

Yes:

Mr. Hartson

Mrs. Levenson-Melvin

Mrs. Schiff

Mrs. Hamilton

Mr. Kwiek

Mr. Wade

No: none

Motion: Unanimous Pass

VIII. Old Business

Mrs. Levenson-Melvin said the Sherwood Hills Swim Club's original deed is in Chesterfield County. She met with the former treasurer of the organization and they are working on putting together the by-laws with Swim Metro. Swim Metro is an organization that supports swimmers from children's age to adults. They had an agreement to manage the pool for a certain amount and they were not compensated.

Mr. Fisher added that the tax delinquency is substantial and is scheduled to go to auction relatively soon. At the auction, whoever buys the property will be obligated to pay the delinquent taxes and outstanding utility bills. Mr. Wade and Mr. Hartson asked if Swim Metro would be paid their outstanding fees as a secondary lien. Mr. Fisher answered that only if they filed a lien against Sherwood Hills Swim Club and he does not know if that was filed. Mrs. Levenson-Melvin looked at the tax records and she said at this time there are no liens on the property. She will have a fuller report next month.

**IX. New Business/Reports
Reports**

- 1. Chairman – Mr. Hartson – None**
- 2. Director of Planning and Community Development – Mr. Carter**

A tour of the Fall Line is being scheduled for residents on Saturday, November 5th, 2022.

- 3. City Engineer or Designee – Asst. Director of Public Works – Mr. Campbell**

The water main is being installed for the Lakeview Modernization project, and the Dunlop Village site plan closeout is scheduled for November 2nd, 2022. The Sanctuary Church project had a meeting to coordinate efforts with the Lakeview Modernization project.

Mr. Hartson asked if there were any projects scheduled to repaint markers and arrows on the streets. Mr. Campbell said the maintenance funds are used for certain projects and there is an annual contract to repaint markings in the City. Citizens are allowed to notify Public Works of extremely faded markings.

- 4. Others, as necessary or appropriate**
 - a. City Manager – Mr. Smith – None**
 - b. City Attorney – Mr. Fisher**

Mr. Fisher gave an update on the Westover Modernization project. There were three property owners the City needed to compensate for a partial taking of their property, one has been satisfied, and the second compensation with the property that has McDonald’s has also been satisfied. The third property that involves a minor take has not been resolved and is scheduled for a hearing in Circuit Court.

X. Adjournment

The meeting adjourned at 7:55 P.M.

<p style="text-align: center; font-size: 2em; margin: 0;">X</p> <hr style="border: 1px solid black;"/> <p>Mitchell Hartson Chairman</p>	<p style="text-align: center; font-size: 2em; margin: 0;">X</p> <hr style="border: 1px solid black;"/> <p>Brandi Payne Secretary</p>
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2022 ANNUAL REPORT CITY OF COLONIAL HEIGHTS PLANNING COMMISSION

I. 2022 MEMBERS OF THE PLANNING COMMISSION

Mitchell Hartson, Chairman
Rita Schiff, Vice Chairman
Robert Wade, City Council Representative
Mary Ann Hamilton, Representative on the Parks & Recreation Advisory Board
Carl “Buzz” Kohan, Representative on the Board of Zoning Appeals
Deborah Levenson-Melvin, Representative on the Architectural Review Board
Noah Kwiek

II. 2022 PLANNING COMMISSION MEETINGS

January 04, 2022
March 01, 2022
April 05, 2022
May 03, 2022
July 05, 2022
September 06, 2022
October 04, 2022
November 01, 2022

**III. RESOLUTIONS ACTED ON BY THE PLANNING COMMISSION
PC RESOLUTION 22-01 AND AN ORDINANCE NO. 22-01**

Recommending that the City Council approve the special exception permit to Southpark Mall, CMBS, LLC, property owner, to permit multi-family residential apartments at the site of the former Sears Building, located at Southpark Circle, also known as parcel identification number 68204700013, which is zoned GB – General Business District.

Approved 7-0 on 01/04/2022

PC RESOLUTION 22-02 AND AN ORDINANCE NO. 22-02

Recommending that the City Council approve the special use permit to Southpark Mall CMBS LLC, property owner, located at Southpark Circle, also known as parcel identification number 68204700013, and zoned GB – General Business, to allow the redevelopment of the former Sears Building into multi-family residential apartments.

Approved 7-0 on 01/04/2022

PC RESOLUTION NO. 22-03

City’s proposed FY2023-2027 Capital Improvements Plan (CIP)

Approved 5-0 on 04/05/2022

PC RESOLUTION NO. 22-04 AND AN ORDINANCE NO. 22-06

Amendments to § 286-200, 286-530.20, and 286-602 of Chapter 286, Zoning- Fence Ordinance

Approved 4-1 on 04/05/2022

PC RESOLUTION NO. 22-05 AND AN ORDINANCE NO. 22-07

Amendment to § 286-506.04 of Chapter 286, Clarification of Preliminary Site Plan Fee

Approved 5-0 on 04/05/2022

PC Resolution 22-06

Adoption of Electronic Meeting Policy for the Planning Commission

Approved 6-0 on 05/03/2022

PC RESOLUTION NO. 22-07 AND AN ORDINANCE NO. 22-12

Amendment to § 286-322.10 of Chapter 286, Clarification of Wetlands Board Application Fee

Approved 6-0 on 07/05/2022

PC RESOLUTION NO. 22-09 AND AN ORDINANCE NO. 22-15

To change the Comprehensive Plan Land Use Map classification map of 115 Dupuy Avenue, former parcel identification number 3000050000B, now part of parcel identification number 3000050000D, from RL-Residential Low Density to Community Commercial.

Approved 7-0 on 09/06/2022

PC RESOLUTION NO. 22-10 AND AN ORDINANCE NO 22-16

To change the zoning classification of 115 Dupuy Avenue, former parcel identification number 3000050000B, now part of parcel identification number 3000050000D, from RL – Residential Low Density District to BB – Boulevard Business District and to amend the Zoning District Map accordingly

Approved 7-0 on 09/06/2022

PC RESOLUTION NO 22-12 AND AN ORDINANCE NO. 22-18

To grant a special exception permit to Stallings Oil Company and Boddie-Noell Enterprises, Inc., to allow the construction of a new mini-warehouse/self-storage facility located on Temple Avenue, also known as parcel identification number 68035600003, which is zoned GB – General Business District.

Approved 7-0 on 10/04/2022

IV. PRELIMINARY SUBDIVISION PLATS

SUB 22-1 Southpark Shopping Center, Parcel 18 – Panera Restaurant

Property owner McBerw Southpark LLC proposes subdivision of 1891-1909 Southpark Boulevard, parcel identification number 68204700018, with a legal description of Parcel 18 of the Southpark Subdivision.

Approved 7-0 on 01/04/2022

**SUB 22-2 White Bank Landing Section 4
Parcel ID #6605000014A & #66050000018**

Property Owner “White Bank Landing, LLC” proposes a preliminary subdivision of parcel 6605000014A & 66050000018, which is 5.8 acres. The preliminary subdivision will include 21 new lots plus open space.

Approved 6-0 on 03/01/2022

**SUB 22-03 706 Conduit Rd, Magnolia Hill
Parcel ID #47000400001**

Property Owner “Integrity Building Design LLC” proposes a preliminary subdivision of parcel ID #47000400001 that will include 11 new lots.

Approved 6-0 on 05/03/2022

SUB 22-04 1869 Southpark Blvd

Property owner Colonial Heights Land Association Limited Partnership proposes a subdivision of 1869 Southpark Boulevard, also known as parcel identification number 68204700019. The subject parcel is 5.040 acres and zoned GB – General Business District. The proposed subdivision will create one new parcel in addition to the parent parcel.

Approved 7-0 on 10/04/2022

V. PLANS OF DEVELOPMENT / PRELIMINARY SITE PLANS

Preliminary Plan of Development/Site Plan – PD 22-1

Colonial Heights High School Addition

Approved 5-0 on 04/05/2022

PD 22-02 505 Lakeview Ave, Christian Life Center, Inc.

Parcel ID #1900010Y001 & Parcel ID #1900010Y002

The proposed plan is for the development of an expansion to the front and side of the existing sanctuary. The site is identified as parcel ID #1900010Y001 and parcel ID #1900010Y002 zoned RL – Low-Density Residential.

Approved 6-0 on 05/03/2022

PD 22-03 706 Conduit Rd, Magnolia Hill

Parcel ID #47000400001

Property Owner “Integrity Building Design LLC” proposes a plan of development of parcel ID #47000400001 that will include 11 single-family homes.

Approved 6-0 on 05/03/2022

PD 22-04 325 Charles Dimmock Parkway

Parcel ID #68210000001

Property Owner “Dominion CH LLC” proposes a preliminary plan of development of an 83,895 square foot, five-story hotel and a retail facility containing 6,850 square feet. The site is zoned GB – General Business.

Approved 6-0 on 07/05/2022

PD 22-05: 1869 Southpark Blvd

Property owner Colonial Heights Land Association Limited Partnership proposes a preliminary site plan approval of 5.04 acre portion of 1869 Southpark Boulevard, parcel identification number 68204700019. The proposed fast-food restaurant contains 2,529 square feet and the site is zoned GB – General Business District.

Approved 6-0 on 11/01/2022

PD 22-06: 1702, 1708 & 1712 Boulevard

Property owner Wallace Properties, LLC proposes a preliminary plan approval of 1702, 1708, and 1712 Boulevard, parcel identification numbers 2200030A002, 2200030A004, and 2200030A009. The proposed development is a 4,197-square-foot, one-story, express car wash facility. The total site area is 0.75 acre and zoned BB – Boulevard Business.

Approved 6-0 on 11/01/2022

VI. MISCELLANEOUS

- Planning Director, Joseph Carter Jr.; AICP, CZA started in September 2022



Planning Commission Annual Meeting

January 4, 2023

Purpose

As required by City Code Section 286-602, the Planning Commission is required to develop, adopt and maintain rules of procedure that govern its operation. The purpose of the annual meeting is to elect a chairman and vice-chairman, appoint a secretary to serve the Planning Commission, adopt these rules of procedure, and review the previous year of activity.

Overview

Attached to this memorandum are the following documents that need Planning Commission attention and feedback to Staff:

- Rules of Procedure proposed for adoption
- 2022 Annual Report
- Proposed Planning Commission Meeting Schedule for the Next 12 Months

Rules of Procedure

The attached Rules of Procedure are the same as those from the previous year for the Planning Commission. No changes have been proposed and none changes have been requested.

Annual Report

In 2022, the Planning Commission considered and approved ten (10) resolutions. All except for two were subsequently approved by City Council. PC RESOLUTION 22-01 22-02, and ORDINANCE NO. 22-01 and 22-02 were denied by Council (“Southpark Mall”).

The Planning Commission considered and approved four (4) preliminary subdivision plats.

The Planning Commission considered and approved six (6) preliminary plans of development.

Meeting Days

There are two (2) options proposed for the meeting days for the Planning Commission for the next 12 months. Planning Commission may also opt to adopt different meeting days and a different time from that proposed.

The meeting calendar has been developed to shift the meeting days from the first Tuesday of the month to the first Wednesday of the month due to federal holidays and City Council’s Annual

meeting taking place on the first Tuesday of the month in January 2023. However, Staff has suggested two options to consider for the meeting day after the Labor Day federal holiday and the City's Christmas parade.

Option 1 proposes to shift two additional meeting days from the first Tuesday of the month to the first Wednesday of the month as follows:

- Wednesday, September 6, 2023 instead of Tuesday, September 5, 2023
- Wednesday, December 6, 2023 instead of Tuesday, December 5, 2023

Option 1 will allow the Planning Commission an additional day after the Labor Day weekend before meeting and will also the Planning Commission to attend the City Christmas parade if they so choose. The Planning Commission December meeting of 2022 was shifted to Wednesday; however, there was no agenda items scheduled.

Option 2 proposes to maintain the regularly scheduled meeting day of the first Tuesday of the month for the Planning Commission meetings in the months of September and December.

Both options account for the Independence Day holiday on Tuesday, July 4th, and Election Day holiday on Tuesday, November 7th and moved the regularly scheduled Planning Commission meeting to Wednesday.

Meeting Times

As part of the Planning Commission's adoption of the schedule of meeting days, the Planning Commission must also establish a meeting time. In past years the Planning Commission has met at 7 PM. Staff is proposing an earlier meeting time of 6 PM. for consideration.

Staff has surveyed the meeting times of Planning Commissions for other neighboring localities and found the following:

- Richmond – 1:30 PM – 1st and 3rd Monday every month
- Petersburg – 6:30 PM – 1st Thursday every month
- Hopewell – 6:00 PM – 1st Thursday every month
- Chesterfield – 6:00 PM – 3rd Tuesday every month
- Prince George – 6:30 PM – 4th Thursday every month

All adjacent localities Planning Commission's meet at an earlier time.

Staff believes that meeting at an earlier time will still allow the Planning Commission to receive input from the public on applications being considered; therefore Option 1 proposes to meet at 6 PM. Option 2 maintains the current meeting time of 7 PM.

Recommendation

Staff recommends the Planning Commission adopt the Rules of Procedure and approve Option 1 for both the Planning Commission scheduled meeting days and meeting time of 6 PM.

Staff is available to answer any questions on this item.

COLONIAL HEIGHTS PLANNING COMMISSION
RULES OF PROCEDURE

Article 1 – Objective of the Commission

- 1.1 The official title of this Commission shall be the Colonial Heights Planning Commission.
- 1.2 The objective of this Commission shall be to discharge those duties assigned to it pursuant to the Code of Virginia and the Code of the City of Colonial Heights, including those duties specified in the City’s Charter, so as to promote the health, safety and general welfare of the citizens of Colonial Heights, Virginia.

Article 2 – Duties of the Commission

- 2.1 The Commission shall have the following duties:
 - (a) To draft and submit to City Council a Master or Comprehensive Plan, and any amendments thereto, which shall show the Commission’s recommendation for land use, community facilities and transportation within the city;
 - (b) To make recommendations to the City Council for the preservation of historical landmarks; for the design, location, removal, relocation and alteration of statuary or other works of art which are or may become the property of the City; and to consider and suggest the design of bridges, viaducts, airports, stadia, arenas, swimming pools, street fixtures and other public structures and appurtenances;
 - (c) To prepare and revise annually as required, a program of capital improvement projects and proposed funding for the ensuing five (5) years. Such program shall meet the requirements set forth in Section 17.8 of the City Charter and shall be delivered to the City Manager;
 - (d) To prepare and submit to Council any suggested changes to the City Zoning Ordinance (Chapter 286 of the City Code), including its recommendations regarding the rezoning of property, that Council may request or that conditions may warrant;
 - (e) To act as the subdivision platting agent for the City of Colonial Heights in accordance with the provisions of Section 17.29 of the City Charter;
 - (f) To present to Council an annual report setting forth the Commission’s activities; and

- (g) To perform any other duty prescribed by the Code of Virginia or the City Code (including the City Charter), or properly assigned to it by Council.

Article 3 – Membership and Composition

- 3.1 The Colonial Heights Planning Commission shall consist of seven (7) voting members who shall be appointed by Council.
- 3.2 In addition to seven (7) voting members appointed by Council, the City Manager or his designee shall be a non-voting member.
- 3.3 The composition of the Commission shall meet the following criteria:
 - (a) one (1) member shall be a member of the City Council and shall serve for a term coincident with his term on the Council;
 - (b) one (1) member shall be a member of the Board of Zoning Appeals for a term coincident with his term on the Board;
 - (c) one (1) member shall be the City Manager or his designee; and
 - (d) five (5) members shall be qualified voters of the City who serve for a four (4) year term beginning the January 1 following appointment, and continuing to December 31 four years later.
- 3.4 Vacancies on the Commission shall be filled for unexpired portions of terms.

Article 4 – Appointments and Election of Officers

- 4.1 In January of each year the Commission shall annually elect a Chairman and Vice-Chairman from among the citizen members of the Commission as provided in Section 3.3(d). Such officers shall serve from January 1 to December 31 and shall be eligible for reelection.
- 4.2 The Commission shall annually appoint a Secretary, who may be a City employee.
- 4.3 The Commission shall appoint one (1) member to the Advisory Board of Recreation and Parks for a two (2) year term beginning September 1.
- 4.4 Vacancies in any elected office or appointment shall be filled for the unexpired portion of the term.

Article 5 – Duties of Officers

5.1 The Chairman shall:

- (a) preside at all meetings;
- (b) appoint all committee chairmen and members;
- (c) rule upon all points of order of procedure (subject to reversal by two-thirds majority of Commission members);
- (d) receive, report upon, or arrange for a report upon all official communications by the next regular meeting;
- (e) act as an ex-officio member of all committees;
- (f) ensure preparation of the annual report; and
- (g) assume any other appropriate duties.

5.2 The Vice-Chairman shall:

- (a) assume the powers, duties and responsibilities of the Chairman in cases of that individual's absence or inability to act; and
- (b) assume any other appropriate duties.

5.3 The Secretary shall:

- (a) record the minutes of all business transacted by the Commission and maintain a record of all actions;
- (b) notify all members in writing of all regular and special meetings at least five (5) days prior to the date of such meetings and include the meeting's agenda and supporting documents with each notice;
- (c) attend to the correspondence of the Commission;
- (d) prepare and publish advertisements relating to public hearings;
- (e) prepare the annual report during the first quarter of the calendar year under the direction of the Chairman;
- (f) certify any of the Commission's records; and

- (g) perform other duties as assigned.

Article 6 – Committees

- 6.1 All committees and committee chairmen shall be appointed by and responsible to the Commission Chairman.
- 6.2 The Commission shall not have standing Committees. However, after consultation with the Commission members, the Chairman may appoint special committees he deems appropriate.

Article 7 – Meetings

- 7.1 Unless otherwise scheduled, regular meetings of the Commission shall be held on the first Tuesday of every month at 7:00 P.M. Unless exempted by the Virginia Freedom of Information Act or other applicable law, all regular meetings and records of such meetings shall be open to the public.
- 7.2 The Commission may go into a closed meeting pursuant to the Virginia Freedom of Information Act.
- 7.3 Special meetings shall be called in writing by the Chairman or upon the written request of at least two (2) members of the Commission to the Chairman. The written notice for such special meeting shall be provided to each Commission member at least five (5) days prior to the meeting, unless each Commission member signs a written waiver of such five (5) day notice. The notice shall state the time, purpose and location of such special meeting; and the press shall be notified of the meeting at the same time as the Commission members. Matters other than those specified in the notice may be added to the agenda by the majority vote of the entire Commission.
- 7.4 A majority of the membership of the Commission shall constitute the quorum needed to transact business.
- 7.5 Commission decisions and recommendations shall be made by majority vote of all members.
- 7.6 Unless otherwise agreed to by the Commission, voting shall be by roll call, in which case a record of such vote shall be a part of the minutes.
- 7.7 The agenda for regular meetings shall consist of the following components, except any of such components shall be omitted from a meeting agenda if they are not relevant to the meeting:

- (a) Call to Order
- (b) Roll Call
- (c) Determination of a Quorum
- (d) Approval of Minutes
- (e) Approval of Agenda
- (f) Hearing of Citizens Generally
- (g) Public Hearings
- (h) Plans of Development
- (i) Old Business
- (j) New Business/Reports
 - 1. Chairman
 - 2. Director of Planning and Community Development
 - 3. City Engineer or his designee
 - 4. Others, as necessary or appropriate
- (k) Adjournment

7.8 The agenda may be amended to adjust the alignment of the components identified in Section 7.7 or to make additions of other relevant issues, by a majority vote of the membership.

7.9 Applications and petitions:

- (a) Unless otherwise provided herein, all applications or petitions to be considered by the Commission at its next regular meeting shall be filed with the appropriate City department (as the Commission's designee) at least 28 calendar days preceding such meeting. Items that have been referred back to the applicant for redesign shall be filed with the appropriate City department at least 21 calendar days preceding the next meeting.
- (b) Any application or petition to be considered by the Commission shall be deemed to be filed only if it contains all information and includes any applicable fee specified in, and otherwise fully complies with, all applicable provisions of the Code of Virginia and the Code of the City of Colonial Heights.

- 7.10 Each speaker at Commission hearings shall rise, give his name and address and who he is representing, if other than himself, in an audible tone of voice for the record; and unless further time is granted by the Commission, shall limit his remarks to five (5) minutes per statement. No person shall be permitted to address the Planning Commission more than two (2) times on the same subject in any one meeting; provided however, that at a public hearing each speaker except for the applicant (or his representative) shall be allowed to speak only once on the same subject. All remarks shall be addressed to the Chairman and the Commission as a body and not to any member or staff person thereof. No question shall be asked a Planning Commission member or staff person except through the Chairman.
- 7.11 No person shall be recognized or allowed to speak as a representative of another person or entity unless the person or entity being represented has filed with the Commission an affidavit giving his consent for such representation on the matter before the Commission.
- 7.12 Unless specified herein, rules of procedure at Commission meetings shall be decided by consensus. Robert's Rules of Order shall be used to decide any procedural issue not governed by these Rules of Procedure or agreed to by consensus.
- 7.13 The City Attorney, or in his absence the Director of Planning and Community Development, shall act as the Commission's Parliamentarian.

Article 8 – Public Hearings

- 8.1 The Commission shall hold advertised public hearings on all proposed ordinances that would change the City Code, all rezoning applications, and other matters that legally require a public hearing.
- 8.2 The Commission may hold public hearings other than those required by law when such hearings are deemed to be in the best interest of the citizens of Colonial Heights.
- 8.3 At all public hearings, the main issue shall be summarized by the Chairman or by another person delegated the task by the Chairman. Interested parties shall have the privilege of speaking once on each subject, and each speaker shall be limited to five (5) minutes; except the applicant (or his representative) of the matter that is the subject of the public hearing shall be allowed to speak a second time for five (5) minutes, after all other speakers, solely to rebut or respond to comments made by others during the public hearing.

- 8.4 The Secretary shall maintain a record of the individuals speaking at public hearings.

Article 9 – Certification

- 9.1 All official papers and plans involving the authority of the Commission shall be signed by the Chairman or Vice-Chairman.

Article 10 – Suspension and Amendments

- 10.1 Unless inconsistent with law, the Commission may temporarily suspend any of these Rules of Procedure in whole or in part upon a majority vote of the Commission membership.
- 10.2 These Rules of Procedure may be amended upon a majority vote of the Commission members. Proposed amendments to these “Rules” shall not be adopted without previous notice having been given to Commission members.

[Amended February 3, 2015]

POLICY OF THE COLONIAL HEIGHTS CITY PLANNING COMMISSION FOR PARTICIPATION IN MEETINGS BY ELECTRONIC COMMUNICATION

1. **AUTHORITY**

This policy is adopted pursuant to Virginia Code § 2.2-3708.2.

2. **DEFINITIONS**

- a. “**Commission**” means the Colonial Heights City Planning Commission.
- b. “**Member**” means any member of the Commission.
- c. “**Remote participation**”, “**remotely participate**”, or “**participate remotely**” means participating by a member of the Commission via telephonic, video, or other audio or combined audio and video electronic communication method where the member is not physically assembled with the other Commissioners.
- d. “**Meeting**” means a meeting as defined by Virginia Code § 2.2-3701.
- e. “**Notify**” or “**notifies**” means actual notice, including but not limited to email, text, telephone, or in-person notice.

3. **MANDATORY REQUIREMENTS**

The following conditions must be met for a member to participate remotely by electronic communication means:

- a. A quorum of the Commission must be physically assembled at a primary or central meeting location; and
- b. Arrangements have been made for the voice of the member remotely participating to be heard by all persons at the primary or central meeting location. If at any point during the meeting the voice of the member remotely participating no longer is able to be heard by all persons at the meeting location, the member remotely participating shall no longer be permitted to participate remotely.

4. **PROCESS TO REQUEST REMOTE PARTICIPATION**

- a. On or before the day of the meeting, and at any point before the meeting begins, the requesting member shall notify the Chairman (or the Vice-Chairman if the requesting member is the Chairman) that he is unable physically to attend a meeting due to a personal matter, or a temporary or permanent disability or other medical condition that prevents his physical attendance at the meeting.
- b. The requesting member shall also notify the Secretary of his request, but his failure to do so shall not affect his ability to remotely participate.
- c. If the requesting member is unable physically to attend the meeting due to a personal matter, the requesting member shall state with specificity the nature of the personal matter. Remote participation due to a personal matter is limited to two times per calendar year for each member.

There is no limit to the number of times that a member may participate remotely due to a temporary or permanent disability or other medical condition.

d. The requesting member is not obligated to provide independent proof of why he is not able physically to attend the meeting.

5. PROCESS TO APPROVE OR DISAPPROVE PARTICIPATION FROM A REMOTE LOCATION

When a quorum of the Commission has assembled in one location for the meeting, the Commission shall vote on whether to approve or disapprove the member's request to participate remotely. No request shall be approved unless the request conforms with this policy and the requestor's voice can be heard by all persons at the primary or central meeting location.

6. RECORDING IN MINUTES

a. If the member is allowed to participate remotely due to a temporary or permanent disability or other medical condition, the Commission shall record in its minutes the Commission's approval of the member's remote participation and the remote location from which the member participated.

b. If the member is allowed to participate remotely due to a personal matter, such matter shall be stated in the minutes with specificity, whether this is the first or second meeting of the calendar year in which the member has participated remotely due to a personal matter, and the remote location from which the member participated.

c. If the Commission disapproves a member's request to participate remotely, the disapproval and the grounds upon which the requested participation violate this policy shall be recorded in the minutes with specificity.

7. CLOSED MEETING

If the Commission goes into a closed meeting, the member participating remotely shall ensure that no third party is able to hear or observe the closed meeting.

8. STRICT AND UNIFORM APPLICATION

This policy shall be applied strictly and uniformly, without exception, to the entire Commission membership, and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.



City of Colonial Heights Planning Commission

Public Meeting Schedule for the Next Year All Meetings Begin at 7:00 P.M.

OPTION 1

<u>Meeting Date</u>	<u>Agenda Materials Deadline</u>
Wednesday, January 4, 2023	<i>Tuesday, December 6, 2022</i>
Tuesday, February 7, 2023	<i>Tuesday, January 3, 2023</i>
Tuesday, March 7, 2023	<i>Tuesday, February 7, 2023</i>
Tuesday, April 4, 2023	<i>Tuesday, March 7, 2023</i>
Tuesday, May 2, 2023	<i>Tuesday, April 4, 2023</i>
Tuesday, June 6, 2023	<i>Tuesday, May 2, 2023</i>
Wednesday, July 5, 2023	<i>Tuesday, June 6, 2023</i>
Tuesday, August 1, 2023	<i>Wednesday, July 5, 2023</i>
Wednesday, September 6, 2023	<i>Tuesday, August 1, 2023</i>
Tuesday, October 3, 2023	<i>Wednesday, September 6, 2023</i>
Wednesday, November 8, 2023	<i>Tuesday, October 3, 2023</i>
Wednesday, December 6, 2023	<i>Wednesday, November 8, 2023</i>
Wednesday, January 3, 2024	<i>Tuesday, December 5, 2023</i>

OPTION 2 Changes as follows:

- Tuesday, September 5, 2023**
- Tuesday, December 5, 2023**
- Tuesday, January 2, 2024**

Proposed Meeting Time:

- Option 1 6:00 PM
- Option 2 7:00 PM