



CITY OF COLONIAL HEIGHTS, VIRGINIA
MEETING OF THE PLANNING COMMISSION
City Council Chambers, 201 James Avenue, Colonial Heights, VA 23834
Tuesday, June 1, 2021
7:00 p.m.

MINUTES

- I. Call to Order**
The meeting was called to order at 7:00 pm.
- II. Roll Call**
Present:
Mr. Hartson
Mrs. Schiff
Mrs. Hamilton
Mr. Kohan
Mr. Kwiek
Mrs. Levenson-Melvin
Mr. Wade
Absent: none
- III. Determination of Quorum**
A quorum was determined.
- IV. Approval of Agenda**
 - V.** Mr. Wade made a motion to approve the agenda and Mrs. Schiff seconded the motion with all commissioners in favor.
- VI. Approval of Minutes for May 4, 2021 meeting**
Mr. Kohan made a motion to approve the May minutes and Mrs. Schiff seconded the motion with all commissioners in favor.
- VII. Hearing of Citizens Generally**
No citizens spoke.
- VIII. Public Hearing**
 - A. PC RESOLUTION NO. 21-8 AND AN ORDINANCE NO. 21-15**
To grant a special use permit, with conditions, to Lee S. Robertson to permit a mobile business unit, Quintessential Chiropractic, to conduct business at 1217 Boulevard, also known as parcel identification number 500001000G8, which is zoned GB – General Business District.

Ms. Hall presented information about the mobile business and the reasons a special use permit is required.

Quintessential Chiropractic is what is known as a mobile business unit by zoning standards. It has been operating at the site every Tuesday since September 2020. It operates in five localities, depending on the day of the week. In Colonial

Heights, its hours are 10am-5pm with one hour off for lunch. This special use permit is for the property owner, Mr. Robertson, to have the ability to host Quintessential Chiropractic on his site. Ms. Hall stated that mobile business units were something the City would have to face as a locality at some point. Her research in the state of Virginia found that there is not language in the zoning code to regulate these types of businesses as of yet. Generally, in places it has been permitted in Virginia, if it is operating, it has not been categorized under Zoning, so the legality is in limbo, or they are regulated through a peddler's license in the street right-of-way. She stated that the zoning code is changing to allow mobile business such as boutiques and clinics to operate, but the zoning code as a whole is very slow to make code provisions around it because there hasn't been an urgent or pressing issue. The nearest locality that Ms. Hall found with specific zoning code language in regards to mobile businesses was in the City of Raleigh, North Carolina. This language was specific to allowing them in the public right-of-way. Ms. Hall stated that mobile clinics are discussed academically in zoning literature, however it is presented in the context of bringing access to rural communities and low-income areas without healthcare access. Through her research there was no evidence of a mobile clinic operating at a location on a permanent basis, which is why this is classified as a special use.

Staff recommended denial of Resolution 21-8 and Ordinance 21-15 based on the comprehensive plan, speaking with other zoning administrators, studying zoning literature, and precedents set by the Planning Commission. If the ordinance were to be approved she proposed the following conditions:

1. The mobile business may only operate from 9 am to 6 pm once a week.
2. The mobile business unit may not be stored on site.
3. The mobile business must adhere to waste discharge regulations.
4. The mobile business must comply with the City Code and other legal requirements for waste, trash, etc.
5. The mobile business would be allowed one detached free-standing sign during business operating hours.

The applicant was not present.

Mr. Wade asked Ms. Hall for her specific reasoning for recommending denial. Ms. Hall stated that generally zoning administrators find these sorts of businesses as unnecessary. In the case of mobile food units, there is an incubation option for them to eventually become a bricks and mortar, and food vending from carts has been occurring for a long time. This type of mobile business is seen as a direct attack on existing brick and mortar businesses, and communities have trouble accepting them when there are already vacant office spaces available. She also pointed out that there are existing chiropractors in the City, so the need is already met. She did not feel it would be a benefit for the community.

Mr. Hartson stated that approving this mobile business would set a precedent. In consideration of consistency, they would need to approve any other mobile business that would like to operate, regardless of the type of business. This could lead to trailers up and down the boulevard, which he believed goes against the Planning Commission's vision of the Boulevard Beautification effort in the Comprehensive Plan. Mrs. Schiff agreed that it was not a good look for the Boulevard. She pointed out that there were existing chiropractors in the City who pay office space. She believed this mobile chiropractor would be in direct competition with our existing businesses.

Mr. Kohan asked if the Chiropractor had a business license. Ms. Hall explained they did not have one in Colonial Heights as she rejected their application for listing Southpark Carpet as their permanent address. In Chesterfield, they have a business license for a business registered at their home address, and when she contacted the Chesterfield County Zoning Department, they were unaware that the mobile business was operating as it is not permitted in their jurisdiction.

Mr. Hartson stated that the City has a tremendous amount of vacant business spaces. He asked how the business had been operating without a license and illegally for so long. Ms. Hall explained that a letter was sent to the property owner.

Mr. Kohan asked if Ms. Hall had received any complaints from the adjacent school about the mobile business operating. Ms. Hall stated that she had not received any complaints. She also stated she had not received any complaints from the public.

Mr. Hartson noted that no one from the public was present to speak out against the mobile business.

Mrs. Hamilton was upset to hear the business had been operating illegally, received a violation letter, spoke with the Zoning Administrator and the City Manager, and continued to operate. She found such defiance and disregard offensive. She wondered how much tax revenue the City had missed out on because they do not have a business license. She went on to echo Mr. Hartson's statement that allowing this business to operate would set a precedent and would open Pandora's box for other mobile businesses.

Mr. Kwiek agreed with Mr. Hartson and Mrs. Hamilton that approval would be opening Pandora's box. He also believed it would have an adverse effect on businesses and the view of the Boulevard.

Mrs. Schiff stated the fact that the business continued operating illegally while pursuing the special use permit did not seem appropriate. Mr. Hartson and Mr. Wade stated they had seen the business operating in the Life Christian Academy Parking lot. Ms. Hall explained that the temporary relocation of the business to Life Christian Academy was due to the violation letter which prohibited the business from operating in the Southpark Carpet parking lot at 1217 Boulevard. Mr. Hartson asked for clarification on where the special use permit would allow the business to operate. Ms. Hall stated that this ordinance would grant the business permission to operate in Southpark Carpet's parking lot only.

Mrs. Levenson-Melvin asked for a timeline of events from when the business began operating in the City. Ms. Hall stated that in early August 2020, prior to her vacation, the business owners called and asked for permission and she explained it was not legal in the City, and would require a special use permit. Mrs. Levenson-Melvin asked when the violation letter was sent. Ms. Hall explained that it was sent in 2021. Mrs. Levenson-Melvin asked if there was a remedy to the violation. Ms. Hall replied that the remedy was to cease to operate on that property and pursue a special use permit, which is why they moved operation to the Life Christian Academy parking lot. If this was not done, it would result in court action.

Mrs. Schiff made a motion to amend PC Resolution 21-8 to recommend denial of the special use permit and to amend Ordinance No. 21-15 to state that the Planning Commission recommended denial of the special use permit. Mrs. Levenson-Melvin seconded the motion.

Vote:

Yes:

Mr. Hartson

Mrs. Schiff

Mrs. Hamilton

Mr. Kohan

Mr. Kwiek

Mrs. Levenson-Melvin

Mr. Wade

No: None

Motion: Unanimous Pass

Mrs. Schiff made a motion to pass Resolution 21-8 as amended and to recommend the disapproval of Ordinance 21-15. and Mrs. Levenson-Melvin seconded the motion.

Vote:

Yes:

Mr. Hartson

Mrs. Schiff

Mrs. Hamilton

Mr. Kohan

Mr. Kwiek

Mrs. Levenson-Melvin

Mr. Wade

No: None

Motion: Unanimous Pass

IX. Old Business

Commissioners asked Ms. Hall about ongoing code enforcement issues, and Ms. Hall stated that she would have her staff investigate the matters.

X. New Business/Reports

Reports

1. Chairman-Mr. Hartson-no report

2. Director of Planning and Community Development – Ms. Hall

There will be a meeting in July for a special exception permit.

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

The work on Conduit Road will be completed in the next week. Mrs. Hamilton stated that she noticed the street sweeper on the south side of the City and she let him know she appreciated it.

4. Others, as necessary or appropriate

a. City Manager – Mr. Smith

Mr. Smith stated that an updated schedule of work on Violet Bank will be

provided this week. At the time of meeting, work was being done on the front porch ceiling. He also stated that Shepherd Stadium had a huge crowd for the first game of the Chili Peppers season. Eleven-hundred tickets were sold for the game on Friday, June 4th. Mr. Smith announced that the Mission BBQ restaurant has broken ground on construction. He commended staff on the Fort Clifton event. He assured Planning Commission that plans are in action for the 4th of July Celebration.

b. City Attorney – Mr. Fisher-absent.

XI. Adjournment

Mrs. Schiff made a motion to adjourn and Mr. Kwiek seconded the motion with all commissioners in favor.

The meeting was adjourned at 7:40pm.