

The Altavista Planning Commission held a regularly scheduled meeting on Tuesday, February 6th, 2023, at 5pm, in Council Chambers at Town Hall, located at 510 7th Street, Altavista, VA.

Members present: John Jordan, Chairman
Marie Mitchell, Vice Chair
Reggie Bennett, Vice Mayor
Meghan Bolling
Ashby Robinson, Jr.

Staff present: Sharon D. Williams, AICP, Community Development Director
Crystal Hailey, Assistant Town Clerk

CALL TO ORDER

Chairman John Jordan called the Altavista Planning Commission Meeting to order at 5:00 p.m.

DETERMINATION OF QUORUM

With all Commissioners present, Chairman Jordan confirmed a quorum.

APPROVAL OF AGENDA

Chairman Jordan confirmed there were no amendments needed to the agenda.

Upon a motion by Vice Mayor Reggie Bennett, and seconded by Vice Chair Marie Mitchell, the Planning Commission voted 5-0 to approve the February 2023 meeting agenda as presented.

PLEDGE OF ALLEGIANCE & INVOCATION

Chairman Jordan delivered an Invocation for the meeting and afterwards, the Planning Commission and staff recited the Pledge of Allegiance.

APPROVAL OF MINUTES

Chairman Jordan asked the Commission if corrections were needed to the February 6th, 2023, meeting minutes. There were none.

With a motion made by Vice Mayor Bennett, and seconded by Vice Chair Mitchell, the minutes for the Commission's February 2023 meeting were approved as presented, with a 5-0 vote.

PUBLIC EXPRESSION - There were no citizen comments during this meeting.

PUBLIC HEARINGS

Altavista's Director of Community Development and Planning Commission Secretary, Sharon D. Williams, AICP, presented all of the following public hearing requests and facts pertaining to each:

1. REZONING Case# RZ-23-01: A request to rezone 3326 Lynch Mill Rd from M, Industrial to C-2, General Commercial.

Chairman Jordan opened this public hearing at 5:04pm.

Vice Chair Marie Mitchell recused herself from this discussion, due to conflict of interest.

Ms. Williams referenced the owners of the 3326 Lynch Mill Road property, Glenn and Deborah Berger, 206 River Oaks Drive, Altavista, and reminded the Commission that Mr. Berger used the aforementioned commercial property as his law office until his recent retirement; and at that time, decided to sell the property. She said the owners were requesting to rezone the property from industrial to general commercial, so that the property could also be considered for residential use, which would give them more opportunity to sell the property. Ms. Williams presented the Commission with geographical facts about this parcel, stating there was an industrial facility adjacent to the rear of the property, residential use both beside and across the street from this property, and C2-General Commercial properties nearby. She said the Town's Future Land Use Map (FLUM) currently showed the property in a C2-General Commercial zoned area; however, the Comprehensive Plan did not convey that residential was appropriate. Ms. Williams reminded the Commission they were in the process of updating the Town's Zoning Ordinance, and the issue of residential properties commercial zoning would be addressed during that process. She stated the Commission would be considering the addition of a Transitional Zoning Ordinance to address such matters, such as exists on 7th Street. Ms. Williams said there were no required buffers or setbacks between properties zoned Industrial and General Commercial, which could cause concerns for a potential new owner of the 3326 Lynch Mill Road property. Ms. Williams informed the Commission that the public hearing was posted on both road fronts of the 3326 Lynch Mill Road property, advertised in the local newspaper, and letters were sent to adjacent property owners making them aware of the request and the public hearing.

Commissioner Robinson asked Ms. Williams for clarification of the requirements she mentioned regarding buffers between two zoning areas.

Ms. Williams stated that facilities in an industrial district were required to have buffers, such as plants, trees, or fencing, between their property and any adjacent residential property; however, buffers were not required between industrial and commercial zoning districts.

Chairman Jordan opened the floor to Glenn Berger, current owner of 3326 Lynch Mill Road.

Mr. Berger shared the reason(s) for his rezoning request for the Commission's consideration.

Commissioner Bolling asked who owned the land located behind Mr. Berger's property, between it and Abbott Laboratories.

Mr. Williams stated that parcel of land belonged to the Fauntleroy family.

Vice Mayor Reggie Bennett stated that the area directly behind 3326 Lynch Mill Road was in a flood zone, therefore he did not believe there were development concerns.

Chairman Jordan closed this public hearing at 5:31pm; and asked the Commission if they had any further questions or comments pertaining to Mr. Berger's rezoning request.

Commissioner Bolling asked if the request was approved, what would happen if General Commercial was redefined as part of the upcoming Zoning Ordinance update.

Chairman Jordan stated, if Case #RZ-23-1 was approved, under Altavista's current General Commercial zoning definition, residential use was allowed. He said, even if the definition was changed, not to allow residential use, 3326 Lynch Mill Road would have "grandfathered rights" allowing it to remain as a residential use.

Ms. Williams confirmed Chairman Jordan's answer and stated, however, if the property was vacant for 2 or more years, or the use inside of the building was changed, the grandfather rights would at that time be void.

Vice Mayor Bennett stated, while spot zoning was not considered best practice, it was allowed, if by doing so it created a financial benefit to the locality. He stated that he believed rezoning 3326 Lynch Mill Road to C2-Commercial would create a financial benefit to Altavista because it gave the property additional opportunities for use. He shared his favor of the request.

With no further questions or discussion, a motion was made by Commissioner Meghan Bolling, seconded by Vice Mayor Reggie Bennett, and the Planning Commission voted 4-0 in favor of making a recommendation to Town Council to approve Case #RZ-23-01, to rezone 3326 Lynch Mill Road from M-Industrial to C-2 General Commercial.

Vice Chair Marie Mitchell returned to the diosk, to be included with the Commission for the remainder of the meeting.

2. ORDINANCE AMENDMENT OA-23-01: Definition of A Hospital

Background: The Community Development Director, Sharon D. Williams, AICP, in her capacity as Altavista's Zoning Administrator, was asked to make a determination on whether a residential substance abuse treatment center should be classified as a "hospital"; and based on the Altavista Zoning Ordinance's existing definition, she ruled that the requested use was not defined as a hospital, and therefore was not a permitted use.

Ms. Williams stated that Staff recommended amending *Section 86-32* of Altavista's Zoning Ordinance to read: "Hospital" means a facility providing medical, psychiatric, or surgical service for sick or injured persons primarily on an in-patient basis and including ancillary facilities for outpatient and emergency treatment diagnostic services, training, research, administration, and services to patients, employees, or visitors; and this use type shall not include facilities operated for the treatment of drug addiction or substance abuse. She informed the Commission that this public hearing had been advertised as required.

Chairman Jordan opened this Public Hearing at 5:40pm.

There being no public comments, Chairman Jordan closed the hearing at 5:41pm, and asked the Commission if they had any questions or comments regarding this matter.

Upon a motion by Vice Chair Mitchell, seconded by Vice Mayor Reggie Bennett, the Planning Commission voted 5-0 in favor of making a recommendation to Town Council to approve Case #OA-23-01, to amend *Section 86-32: Use Types - Hospital*, of Altavista's Zoning Ordinance,

to read “This use type shall not include facilities operated for the treatment of drug addiction or substance abuse”.

3. ORDINANCE AMENDMENT OA-23-02: Consideration to amend *Sec. 86-352(5)* of the Zoning Ordinance to allow hospitals in the C2-General Commercial Zoning District, with a Special Use Permit.

Ms. Williams stated that this Public Hearing had been advertised as required.

Chairman Jordan opened the Public Hearing at 5:42pm.

There being no public comments, Chairman Jordan closed the hearing at 5:43pm, and asked the Commission if they had any questions regarding this matter, of which there were none.

Vice Mayor Reggie Bennett made a motion, that was seconded by Vice Chair Marie Mitchell, and the Planning Commission voted 5-0 in favor to make a recommendation to Town Council to approve Case #OA-23-02, to allow hospitals in the C2-General Commercial Zoning District, with a Special Use Permit.

4. ORDINANCE AMENDMENT OA-23-03: to amend *Sec. 86-382(6)* of Altavista’s Zoning Ordinance - to delete Resource Extraction as a permitted use in the M-Industrial Zoning District; and to amend *Sec. 86-566* - to delete parking requirements for the use.

Chairman Jordan opened the Public Hearing at 5:43pm.

Ms. Williams stated that this Public Hearing had been advertised as required. She said, recently she and the Town Manager, Assistant Town Manager, and Town Attorney reviewed the Town of Altavista’s Zoning Ordinance and discussed uses permitted in the M-Industrial Zoning District. Ms. Williams shared Staff’s concern with allowing Resource Extraction in a locality of which the land area was only 5sq miles. She said it was Staff’s recommendation that the Zoning Ordinance be amended to delete Resource Extraction as a permitted use.

There being no public comments, Chairman Jordan closed the hearing at 5:44pm, and asked the Commission if they had any questions regarding this matter, of which there were none.

Upon a motion by Vice Chair Marie Mitchell, seconded by Vice Mayor Reggie Bennett, the Planning Commission voted 5-0 in favor of making a recommendation to Town Council to approve Case #OA-23-03, to amend *Section 86-382(6)* of Altavista’s Zoning Ordinance to delete Resource Extraction as a permitted use; and *Section 86-566* - to delete the parking requirements for the said use.

Ms. Williams informed the Planning Commission that all of the above cases would be heard by Town Council at their March 14th Meeting, with public hearings conducted for each.

OLD BUSINESS

1. Approval of revised Planning Commission Bylaws

Ms. Williams referenced the proposed Planning Commission bylaws updates, presented to the Commission at their January 2023 meeting, and stated, by law, a timeframe of thirty days between introduction and approval was required before updates could be voted on, which the Commission had done. She asked the Commission for their input and consideration of approving the updates as presented, or direction to Staff for revisions.

Chairman Jordan referenced the proposed removal of “determining a quorum”, and stated that he thought it was a meeting requirement to do so.

Ms. Williams stated that the determination of a quorum was not a necessary agenda item, because, if a quorum of members were not present, the Commission could not convene and conduct business.

With no further questions from the Commission, Vice Chair Marie Mitchell made a motion, that was seconded by Commissioner Ashby Robinson, to adopt the revised Altavista Planning Commission Bylaws as presented by Staff at their January 2023 meeting. The motion passed with a 5-0 vote in favor of adoption.

2. Rules of Procedure/Rules of Order

The Altavista Planning Commission’s updated Rules of Procedure were presented to the Commission at their January 2023 meeting, and as required by law, the Commission waited thirty days between introduction and consideration of approval.

Ms. Williams asked the Commission for their input and consideration of approving Rules of Procedure/Rules of Order 2.6-23 as presented, or to give further direction to Staff.

With no questions from the Commission, Vice Mayor Reggie Bennett made a motion, that was seconded by Commissioner Meghan Bolling, to adopt the Altavista Planning Commission Rules of Procedure/Rules of Order as presented by Staff at their January 2023 meeting. The motion passed unanimously in favor of adoption.

3. Code of Ethical Principals

Ms. Williams informed the Commission that The American Institute of Certified Planners (AICP) recently updated its Code of Ethics for Planners; and also recommended that Planning Commissions adopt the same Code of Ethical Principals. She stated that it was Staff’s recommendation that the Altavista Planning Commission adopt a Code of Ethical Principals.

Chairman Jordan asked the Commission if they had any questions or comments in regard to adopting the aforementioned principals, of which there were none.

Vice Mayor Reggie Bennett made a motion, that was seconded by Commissioner Meghan Bolling, for the Altavista Planning Commission to adopt the Code of Ethical Principals as presented. The motion passed unanimously in favor of adoption.

4. Discussion on Recycling Centers in the Industrial Zoning District

Ms. Williams stated, during a recent review of permitted uses for industrial zoned properties,

Town Staff discussed whether recycling centers should be permitted uses in the Town of Altavista. She shared photos of two recycling centers, of which, one was well maintained, and one was not. Ms. Williams said that Staff was of the opinion that the use could become a nuisance and should be prohibited. She asked if the Commission wanted to discuss the matter at that time, or wait until they began the upcoming review process of the entire Zoning Ordinance for potential updates.

Chairman Jordan asked Ms. Williams for her input on the matter.

Ms. Williams said she was an advocate for recycling, however, if not managed correctly, centers could become a visual nuisance to the Town and to properties adjacent to the center.

Commissioner Bolling shared her favor in having recycling opportunities, but also stated that she did not want an unmanaged recycling centers in the Town of Altavista.

Vice Mayor Bennett suggested the Town increase the stipulations accompanying a Special Use Permit for this purpose, to encourage proper maintenance of a recycling center, and hopefully deter neglect of the facility by its owner.

Vice Chair Mitchell reminded the Commission of two separate occasions that recycling bins were allowed to be placed on properties in Altavista and stated both of which were misused by patrons and not well maintained by the property owners; and both were no longer in service.

After further discussion and consideration, there was a consensus of the Planning Commission to authorize Town Staff to advertise a public hearing for this matter; whether to amend the Town's Zoning Ordinance, not to allow recycling centers in the Town of Altavista.

NEW BUSINESS

1. Short Term Rentals

Ms. Williams informed the Commission that on October 1st, 2022, *Section 58.1-3826* of the Code of Virginia was enacted, which required that third-party accommodation intermediary companies file, collect, and remit their local Transient Occupancy Tax; as well as retail sales and use tax on rooms, lodgings, and accommodations. She said, under the new code, the Town of Altavista was required to accept the payments submitted, however, there was currently no provision within Altavista's Zoning Ordinance that defined or regulated this use.

Vice Mayor Bennett stated, while attending a recent Campbell County Planning Commission meeting, they held a public hearing on this matter, which resulted in them having rules for short-term rentals. He said that he believed Altavista should do the same.

Chairman Jordan asked if the Town of Altavista was currently sending short-term rental businesses a Transient Occupancy tax bill.

Ms. Williams answered they were not because it was previously not a requirement. She said short-term rental businesses were always required to submit the tax to its locality, however, a

locality would not always know what the submitted funds were for. Ms. Williams stated, with the recent addition of Section 58.1-3826 to the Code of Virginia, a locality was now required to keep the funds. She suggested consideration of amending Altavista's Town Code to include a policy pertaining to short-term rentals.

There was a consensus of the Planning Commission for Ms. Williams to research the matter further, and to draft a short-term rental policy for their review to submit to Town Council for consideration; including options for registering and monitoring short-term rental businesses operating in the Town of Altavista.

Vice Mayor Bennett recommended looking at Campbell County's policy on this matter.

2. Utility Services-Major

Ms. Williams stated, during a training exercise she recently conducted with Altavista's Board of Zoning Appeals (BZA), the question arose whether the town's Zoning Ordinance was specific enough concerning the definition of Utility Services-Major, which was silent on large utility scale developments, such as solar farms. She said, at the recommendation of the Town Attorney, Staff was seeking input from the Planning Commission on whether the Zoning Ordinance definition of Utility Services-Major should be amended to add language excluding large scale solar facilities from being permitted in the Town of Altavista.

Vice Mayor Bennett asked for clarification that "utility services-major" was not pertaining to residential solar use, only large scale development.

Ms. Williams answered, that was correct, residential solar use would not be affected by this change, if approved. She stated, at some point during the upcoming Zoning Ordinance update process, the Town needed to continue its discussion regarding "solar", and address the matter with ordinance updates.

There was a consensus of the Planning Commission to accept Staff's recommendation to amend the definition of Utility Services-Major to exclude large scale solar facilities.

At this time, Ms. Williams referenced the preplanning grant that Staff was working on, in relation to the Community Development Block Grant for the Moseley Heights area of Altavista. she said that Staff continued to survey the citizens of Moseley Heights for input on the neighborhood's needs. She asked the Commission, if they knew any Moseley Heights citizens, to encourage them to participate in the town's improvement efforts for their neighborhood, by completing the survey.

ADJOURNMENT

With no further business to discuss, Chairman Jordan adjourned the meeting at 6:15 p.m.

John Jordan
Planning Commission Chair

Sharon D. Williams, AICP
Planning Commission Secretary