



P.O. Box 420  
510 Seventh Street  
Altavista, VA 24517  
Phone (434) 369-5001  
Fax (434) 369-4369

THE REGULAR MEETING OF THE PLANNING COMMISSION OF THE TOWN OF ALTAVISTA, VIRGINIA, WILL BE HELD IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING ON MONDAY, OCTOBER 1, 2018 at 5:00 p.m.

### **AGENDA**

1. Call to Order
2. Roll Call
3. Determination of a Quorum
4. Approval of Agenda:
5. Pledge of Allegiance & Invocation
6. Approval of Minutes: August 6, 2018
7. Citizens to Address the Commission
8. Public Hearing(s): None Scheduled
9. New Business
  - i. Preliminary Review – Proposed Development of Additional Mini-Storage Units – Lynch Mill Road
  - ii. Discussion regarding possible modification of Zoning Ordinance to include “Event Venue” type of use.
10. Old Business- None
11. Staff Report

Adjournment

The Altavista Planning Commission held a regularly scheduled meeting on Monday, August 6, 2018 in the Council Chambers at 5:00 PM

Members Present        -        John Jordan, Chairman  
   Marvin Clements  
   Tim George  
   Marie Mitchell  
   John Woodson  
Also present               -        Cheryl Dudley  
   John Eller  
   Dan Witt

The agenda was reviewed and approved as presented. A motion was made by Mr. Clements and seconded by Mr. Woodson. All members were in favor with none opposing.

The minutes from the July 2, 2018 meeting were reviewed and approved as amended. A motion was made by Mr. Woodson and seconded by Mr. George. All members were in favor with none opposing.

A Public Hearing to consider amendments to the zoning ordinance for Mobile Restaurants was opened at 5:11 PM.

There was no one to speak for or against the recommendation. The Public Hearing closed at 5:14 PM.

Mr. Witt stated that amendments for Mobile Restaurants were introduced in previous meetings and because they involve changes to the Town's Zoning Ordinance, staff has scheduled a Public Hearing to consider these amendments.

The Public Hearings were properly advertised in the Altavista Journal on July 18<sup>th</sup> and July 25<sup>th</sup>.

Mr. Witt compiled the ordinances and made the changes as requested at the July PC meeting. Mr. Eller has put each in the appropriate format for eventual codification, if adopted by TC.

Be it ordained by the Town Council of the Town of Altavista:

1. That Section 86-32 of the Code of the Town of Altavista, 1968, be repealed, amended and re-ordained to amend the definition of agriculture and add the definition of restaurant, mobile as follows:

**Sec. 86-32. Use types.**

*Restaurant, mobile* means a readily movable wheeled cart, trailer, or vehicle designed and equipped for the preparing, serving, and/or selling of food and operated at temporary locations. This definition shall include food trucks, food trailers, and food carts and shall not apply to ice

cream trucks, “meals on wheels” or food home delivery services.

All other use type definitions in Sec. 86-32 remain unchanged.

2. This Ordinance shall become effective immediately upon passage by the Town Council of the Town of Altavista.

An Ordinance to repeal, amend and re-ordain Section 86-192 of the Code of the Town of Altavista, 1968, relating to permitted uses in the R-2 medium-density residential district.

**Sec. 86-132. - Permitted uses.**

(a) Only one building and its accessory buildings may be erected on any lot or parcel of land in the R-1 low-density residential district.

(b) The following uses are permitted by right or by special use permit in the R-1 low-density residential district, subject to all other applicable requirements contained in this chapter. A special use permit is required where indicated. Certain uses are subject to additional, modified or more stringent standards as indicated.

(1) *Agricultural use types.*

(None)

(2) *Residential use types.*

Accessory apartment-Subject to Sec. 86-453

Community garden-Special use permit required.

Family day care home-Subject to Sec 86-477. Special use permit required.

Group home-Subject to Code of Virginia § 15.2-2291

Home garden

Home occupation-Subject to Sec. 86-454

Keeping of chickens per Sec. 86-515.1.

Keeping of horses per Sec. 86-515.2. Special use permit required.

Manufactured home, emergency-Subject to Sec. 86-455

Single-family dwelling, detached-Subject to Sec. 86-596

Temporary family health care structures-Subject to Sec. 86-460

(3) *Civic use types.*

Community recreation Subject to Sec. 86-474

Cultural service

Educational facilities, primary/secondary Special use permit required

Non-profit facility. Subject to Sec. 86-482. Special use permit required.

Public parks and recreational areas Special use permit required.

Religious assembly Subject to Sec. 86-479. Special use permit required.

Safety service

Utility service, minor

(4) *Office use types.*

(None)

(5) *Commercial use types.*

Bed and breakfast Subject to Sec. 86-507. Special use permit required.

Restaurant, mobile per Sec. 86-520

(6) *Industrial use types.*

(None)

(7) *Miscellaneous use types.*

Amateur radio tower Subject to Sec. 86-542.

Satellite dish antenna one meter or less in diameter or measured diagonally

Satellite dish antenna more than one meter in diameter or measured diagonally  
Subject to Sec. 86-544.

2. This Ordinance shall become effective immediately upon passage by the Town Council of the Town of Altavista.

Be it ordained by the Town Council of the Town of Altavista:

1. That Section 86-192 of the Code of the Town of Altavista, 1968, be repealed, amended and re-ordained as follows:

**Sec. 86-192. - Permitted uses.**

The following uses are permitted by right or by special use permit in the R-2 medium-density residential district, subject to all other applicable requirements contained in this chapter. A special use permit is required where indicated. Certain uses are subject to additional, modified or more stringent standards as indicated.

(1) *Agricultural use types.*

(None)

(2) *Residential use types.*

Accessory apartment. Subject to Sec. 86-453

Community garden. Special use permit required.

Duplex. No Guidelines listed in Code

Family day care home. Subject to Sec 86-477

Group home. Subject to Virginia Code 15.2-2291

Home garden.

Home occupation. Subject to Sec. 86-454

Keeping of chickens per Sec. 86-515.1.

Keeping of horses per Sec. 86-515.2. Special use permit required.

Manufactured home, emergency. Subject to Sec. 86-455

Multi-family dwelling—Consisting of three or fewer units

Multi-family dwelling—Consisting of more than three units. Subject to Sec. 86-458. Special use permit required.

Single-family dwelling, attached. Subject to Sec. 86-459

Single-family dwelling, detached. Subject to Sec. 86-596

Temporary family health care structures. Subject to Sec. 86-460; b2.

Townhouse—Subject to section 86-461

(3) *Civic use types.*

Assisted care residence. No Guidelines listed in Code – regulated by State of Virginia.

Cemetery. Special use permit required.

Club. Subject to Sec 86-473. Special use permit required.

Community recreation. Subject to Sec. 86-474

Crisis center. Special use permit required.

Cultural service.

Educational facilities, primary/secondary. Special use permit required

Governmental service. Special use permit required.

Guidance service. Special use permit required.

Halfway house. Special use permit required.

Life care facility. Special use permit required.

Non-profit facility. Subject to Sec. 86-482. Special use permit required.

Nursing home. Special use permit required.

Public parks and recreational areas. Special use permit required.

Religious assembly. Subject to Sec. 86-479. Special use permit required.

Safety service.

Utility service, minor.

- (4) *Office use types.*  
(None)

- (5) *Commercial use types.*  
Bed and breakfast. Subject to Sec. 86-507. Special use permit required.  
Day care center. Subject to Sec. 86-510. Special use permit required.  
Golf course. Special use permit required.  
Personal service business. Subject to Sec. 86-483. Special use permit required.

Restaurant, mobile per Sec. 86-520

- (6) *Industrial use types.*  
Recycling center. Special use permit required.

- (7) *Miscellaneous use types.*  
Amateur radio tower. Subject to Sec. 86-542  
  
Satellite dish antenna one meter or less in diameter or measured diagonally.  
  
Satellite dish antenna more than one meter in diameter or measured diagonally.  
Subject to Sec. 86-544.

2. This Ordinance shall become effective immediately upon passage by the Town Council of the Town of Altavista.

An Ordinance to repeal, amend and re-ordain Section 86-322 (5) of the Code of the Town of Altavista, 1968, by adding restaurant, mobile.

Be it ordained by the Town Council of the Town of Altavista:

1. That Section 86-322 (5) of the Code of the Town of Altavista, 1968, be repealed, amended and re-ordained as follows:

**Sec. 86-322. Permitted uses.**

- (5) *Commercial use types.*  
Bed and breakfast\*  
Brewpub  
Business support service  
Business/trade schools  
Car wash (S)  
Commercial indoor sports and recreation (S)  
Communications service  
Day care center\*  
Funeral service  
Garden center  
Gasoline stations (S)\*  
Hospital (S)  
Microbrewery (S)  
Personal improvement service  
Personal service  
Restaurant, mobile per Sec. 86-520  
Restaurant, small—whether in a new or existing shopping strip center\*  
Restaurant, small—As a stand-alone building (S)\*  
Retail sales—Not exceeding 3,000 gross square feet per use  
Studio, fine arts

All other text in Sec. 86-322 remain unchanged.

2. This Ordinance shall become effective immediately upon passage by the Town Council of the Town of Altavista.

An Ordinance to repeal, amend and re-ordain Section 86-352 (5) of the Code of the Town of Altavista, 1968, by adding restaurant, mobile.

Be it ordained by the Town Council of the Town of Altavista:

1. That Section 86-352 (5) of the Code of the Town of Altavista, 1968, be repealed, amended and re-ordained as follows:

**Sec. 86-352. Permitted uses.**

- (5) *Commercial use types.*
- Adult use (S)\*
  - Agricultural service
  - Antique shop
  - Assembly hall
  - Automobile dealership, new\*
  - Automobile dealership, used (S)\*
  - Automobile parts/supply, retail
  - Automobile rental/leasing
  - Automobile repair service, major (S)\*
  - Automobile repair service, minor
  - Brewpub
  - Business support service
  - Business/trade schools
  - Car wash
  - Commercial indoor amusement
  - Commercial indoor entertainment
  - Commercial indoor sports and recreation
  - Commercial outdoor entertainment
  - Commercial outdoor sports and recreation
  - Communications service
  - Construction sales and service
  - Consumer repair service
  - Convenience store
  - Dance hall (S)
  - Day care center\*
  - Equipment sales and rental (S)
  - Farmers market (S)
  - Flea market (S)
  - Funeral service
  - Garden center
  - Gasoline station\*
  - Hospital



Hotel/motel/motor lodge  
Kennel, commercial (S)\*  
Laundry  
Manufactured home sales  
Microbrewery  
Mini-storage (S)\*  
Modular home sales  
Pawn shop  
Payday loan establishment  
Personal improvement service  
Personal service  
Recreational vehicle sales and serviced  
Restaurant, small  
Restaurant, fast food or drive-thru\*  
Restaurant, mobile, per Sec. 86-520  
Restaurant, general  
Retail sales\*  
Studio, fine arts  
Transient merchant\*  
Travel center (S)  
Veterinary hospital/clinic

All other text in Sec. 86-352 remain unchanged.

2. This Ordinance shall become effective immediately upon passage by the Town Council of the Town of Altavista.

An Ordinance to repeal, amend and re-ordain Section 86-427 (5) of the Code of the Town of Altavista, 1968, by adding restaurant, mobile.

Be it ordained by the Town Council of the Town of Altavista:

1. That Section 86-427 (5) of the Code of the Town of Altavista, 1968, be repealed, amended and re-ordained as follows:

**Sec. 86-427. Permitted uses.**

- (5) *Commercial use types.*  
Antique shop  
Assembly hall (S)  
Automobile repair service, minor (S)  
Bed and breakfast (S)\*

Brewpub  
Business support service  
Business/trade schools (S)  
Commercial indoor entertainment (S)  
Commercial indoor sports and recreation (S)  
Communications service (S)  
Consumer repair service  
Convenience store  
Dance hall (S)  
Day care center (S)\*  
Farmers market (S)  
Flea market (S)  
Funeral service (S)  
Hotel/motel/motor lodge (S)  
Microbrewery  
Pawn shop (S)  
Payday loan establishment (S)  
Personal improvement service  
Personal service  
Restaurant, small  
Restaurant, fast food or drive-thru (S)\*  
Restaurant, general  
Restaurant, mobile per Sec. 86-520  
Retail sales  
Studio, fine arts

All other text in Sec. 86-427 remain unchanged.

2. This Ordinance shall become effective immediately upon passage by the Town Council of the Town of Altavista.

An Ordinance to repeal, amend and re-ordain Section 86-382 (5) of the Code of the Town of Altavista, 1968, by adding restaurant, mobile.

Be it ordained by the Town Council of the Town of Altavista:

1. That Section 86-382 (5) of the Code of the Town of Altavista, 1968, be repealed, amended and re-ordained as follows:

**Sec. 86-382. Permitted uses.**

- (5) *Commercial use types.*  
Business support services

Business/trade school  
Communication services  
Construction sales and services  
Equipment sales and rental  
Mini-storage\*  
Restaurant, mobile per Sec. 86-520

All other text in Sec. 86-382 remain unchanged.

2. This Ordinance shall become effective immediately upon passage by the Town Council of the Town of Altavista.

An Ordinance to add a new Section 86-520 to the Code of the Town of Altavista, 1968, relating to restaurant, mobile.

Be it ordained by the Town Council of the Town of Altavista:

1. That a new Section 86-520 be added to the Code of the Town of Altavista, 1968, as follows:

**Sec. 86-520. Restaurant, Mobile.**

(a) Mobile restaurants in the R-1 and R-2 Districts may operate only when sponsored for a specific event by a church or other non-profit organization holding an exemption letter from the Internal Revenue Service and with prior approval by Town Council. The mobile restaurant shall obtain a temporary mobile restaurant permit and provide evidence of such sponsorship including a description of the event and duration thereof. Mobile restaurants shall be subject to all the requirements of Subsections (b) and (c) below as they are applicable.

(b) Requirements for mobile restaurants.

(1) Mobile restaurants must obtain a mobile restaurant permit. The permit shall not be transferable to a new owner of the unit. The permit is valid for 12 months – January to December. The permit fee shall be as stated in the Town of Altavista Master List, Rate Fees and Charges. Initial recommended fee - \$50.00.

(2) Mobile restaurants must maintain a valid business license issued by the Town and a valid health permit issued by the Virginia Department of Health. These must always be displayed the restaurant is open for service.

(3) Mobile restaurants shall be required to collect and remit the Town of Altavista Meals Tax as provided in Town Code Sec. 70-41, *et seq.*

(c) General Standards.

- (1) A mobile restaurant may operate on private property but must obtain written permission from the property owner and provide when seeking a zoning permit.
- (2) No items shall be sold other than food and non-alcoholic beverages and items incidental to food and its consumption.
- (3) No music shall be played that is audible outside of the vehicle.
- (4) Mobile restaurant vehicles must park in locations or areas as approved in the mobile restaurant permit and shall not block (i) the main entry drive aisles or affect pedestrian or vehicular circulation overall, (ii) other access to loading areas, or (iii) emergency access and fire lanes. The mobile restaurant must also be positioned at least fifteen (15) feet away from fire hydrants, driveway entrances, alleys and handicapped parking spaces.
- (5) A mobile restaurant may operate between 7:00 a.m. and 9:00 p.m. No mobile restaurant shall operate past 9:00 p.m. A mobile restaurant and all materials associated with the business shall be removed from the location by 9:30 p.m. each day.
- (6) When open for business, the mobile restaurant operator, or his or her designee, must be present at all time, except in cases of an emergency.
- (7) No outdoor seating shall be permitted. If space is available, one covered table is permitted to provide condiments to patrons.
- (8) No signs may be displayed except those permanently affixed to the vehicle. No signs intended to move with air/wind shall be allowed (such as streamers, sails or wings or feather flags).
- (9) Trash receptacles shall be provided by and at the mobile restaurant and all trash, refuse, or recyclables generated by the use shall be properly disposed of in them. Trash refuse or recyclables must be removed with the mobile unit and may not be placed in any public receptacle or public trash can on a street or public dumpster.
- (10) No liquid wastes shall be discharged from the mobile restaurant.
- (11) No mobile restaurant shall locate within 50 feet of the entrance to a business that sells food for consumption (determined by measuring from the edge of the mobile restaurant to the main public entrance of the restaurant) unless permission of the restaurant owner is provided in writing. This standard shall not apply when an established, active restaurant is closed or outside its normal operating hours or when the mobile restaurant is part of a town sanctioned event.
- (12) No mobile restaurant shall locate within 50 feet of a single family or multi-family residential structure (determined by measuring from the edge of the mobile restaurant to the edge of the structure).
- (13) Mobile restaurant vehicles may be otherwise limited by the Town depending on the location or other details of the mobile restaurant permit application.
- (14) A mobile restaurant may operate on public property at any town sanctioned event, including, but not limited to the First Saturday Trade Lot, Uncle Billy's Day, TGIF, Annual Harvest Jubilee & Wine Festival, and AOT's Food Truck Rally.
- (15) The operation of the mobile restaurant or use of a generator may not be loud enough to be plainly audible at one hundred (100) feet from the mobile restaurant. Excessive complaints

about vehicle or generator noise will be grounds for the Zoning Administrator to require that the mobile restaurant vendor change location on the site, to move to another property or the permit may be revoked at that location.

(16) Mobile restaurant permit may be revoked by the Zoning Administrator at any time due to the failure of the property owner or operator of the mobile restaurant permit to observe all requirements for the operation of mobile restaurants. Notice of revocation shall be made in writing to address of record for mobile restaurant permit holder. Any person aggrieved by such notice may appeal the revocation to the Board of Zoning Appeals.

This Ordinance shall become effective immediately upon passage by the Town Council of the Town of Altavista.

Mr. Clements made a motion to recommend to TC approval of the amendments to Sections 86-32, 86-132, 86-192, 86-322, 86-352, 86-427, 86-382 and 86-520 regulating mobile restaurants. Mr. George seconded the motion. All members were in favor with none opposing.

Reasons for this recommendation are

1. Recognizes the rise of mobile restaurants in Altavista
2. Creates a fair playing field with brick & mortar restaurants
3. Creates consistency for all mobile restaurants
4. Fair and business friendly

The Public Hearing for the ordinance amendments that would permit horses within the Town limits was open at 5:25 PM.

There was no one to speak for or against this ordinance amendment. The Public Hearing was closed at 5:25 PM

Mr. Witt stated that amendments for allowing horses were introduced in previous meetings and because they involve changes to the Town's Zoning Ordinance, staff has scheduled a Public Hearing to consider these amendments.

Keeping horses fell under agriculture. Agriculture was not permitted in any zoning district so to make it an allowable use the sentence "keeping horses in compliance to Section 86-515.2" was added to the definition.

An Ordinance to repeal, amend and re-ordain Section 86-32 of the Code of the Town of Altavista, 1968, by amending the definition of "agriculture" and by adding the definition of "restaurant, mobile".

Be it ordained by the Town Council of the Town of Altavista:

1. That Section 86-32 of the Code of the Town of Altavista, 1968, be repealed, amended and re-ordained to amend the definition of agriculture and add the definition of restaurant, mobile as follows:

**Sec. 86-32. Use types.**

*Agriculture* means the use of land for the production of food and fiber, including farming, dairying, pasturage, agriculture, horticulture, viticulture, and animal and poultry husbandry. The keeping of a cow, pig, sheep, goat, male chicken (rooster) or similar animal shall constitute agriculture regardless of the size of the animal and regardless of the purpose for which it is kept. The keeping of female chickens in compliance with section 86-515.1 shall not constitute agriculture. The keeping of horses in compliance with section 86-515.2 shall not constitute agriculture. A garden accessory to a residence shall not be considered agriculture (see definition for *Garden, home*).

All other use type definitions in Sec. 86-32 remain unchanged.

An Ordinance to add a new Section 86-515.2 to the Code of the Town of Altavista, 1968, relating to keeping of horses in R-1 and R-2 District.

Be it ordained by the Town Council of the Town of Altavista:

1. That a new Section 86-515.2 be added to the Code of the Town of Altavista, 1968, as follows:

**Sec. 86-515.2. Keeping of horses in R-1 and R-2 District.**

(a) Minimum contiguous fenced acreage is 5 acres with a minimum of two fenced acres per horse.

(b) Horses must be stabled or penned no closer than 300 feet of the residence of any other person and such horses may be permitted to graze no closer than 100 feet from the residence or any other person.

(c) Owner shall keep the pasture and barn cleaned so as to prevent accumulation of manure.

(d) By special use permit, Town Council may place such other conditions upon such keeping and grazing of horses deemed necessary to prevent the creation of a nuisance and/or disturbance to the reasonable peace and comfort of neighboring residents as well as other requirements per the special use permit process.

2. This Ordinance shall become effective immediately upon passage by the Town Council of the Town of Altavista.

The first step was allowing it. In each of the zoning districts for that will be permitted will be R-1 and R-2 residential districts. It is listed as a residential use type so in Section 86-132 and 86-192 were corrected. And developmental guidelines were listed allowing horses in Section 86-515.2 but at the recommendation of staff. These are the minimum requirements for horses and even with the minimum requirements this will require a SUP by Town Council. So, anyone wanting to do this will have to go through the process and have it go through two Public Hearings, the PC can meet with them and staff would provide a copy of the plat and show what has been fenced in or proposed to be fenced in. It also allows neighbors to speak for or against it.

Mr. Woodson made a motion to recommend to Town Council amendments to Sections 86-32, 86-132, 86-192, and 86-515.2 regulating horses. A second was made by Mr. Clements. All members were in favor with none opposing.

Reasons for this recommendation are

1. The request was originated by a citizen request,
2. The recommendation legitimizes places in town that have horses, and
3. There are tracts of land in town that could support horses.

Mr. Witt gave his staff report.

The meeting was adjourned at 5:36 PM

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John Jordan, Chairman

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Dan Witt, Assistant Town Manager

## PLANNING COMMISSION AGENDA FORM

**Agenda Item and Number:** Preliminary Review/Guidance – Proposed Development of Additional Mini-Storage Units - Lynch Mill Road

**Subject Title:** Preliminary Application Review

**Meeting Date:** October 1, 2018

**Action Needed:** Feedback to the applicant. If the application is pursued, a public hearing would be scheduled for the Planning Commission's November meeting.

### Subject Overview

#### **ITEM**

Recently the Town received an application from Mr. Mike Mattox for a zoning permit to allow additional "mini-storage" units to be constructed on his property at the corner of Lynch Mill Road and Ogden Road. After staff review, it was determined that not all of the proposal would be allowed under the existing Special Use Permit that was issued by the Town Council on June 14, 2005. A copy of the Special Use Permit is attached for your review. The zoning permit for the existing "mini-storage" units was issued in June 2007 with the units be constructed thereafter.

#### **HISTORY/BACKGROUND**

In 2005, the Zoning Ordinance did not address "storage units" as a permitted use in any district and it was the procedure to allow such unidentified uses to be pursued through a Special Use Permit process. Accordingly, that is the process that was utilized in the ultimate granting of the previously mentioned Special Use Permit.

With a major overhaul of the Town's Zoning Ordinance in 2011, the use (*mini-storage*) was added to the list of permitted uses in the Commercial "C-2" zoning district, but requires the issuance of a Special Use Permit and in addition, imposed Development Standards on the use. The ordinance also allows the use (*mini-storage*) in the Industrial "M" zoning district as a by-right permitted use, but subject to Developmental Standards. Accordingly, the use is not permitted in any other zoning district, most notably the Commercial "C-1" zoning district, the same zoning district that the Planning Commission felt was appropriate for said use in 2005.

#### **CONSIDERATION**

Prior to filing an application, the applicant is seeking input/feedback in regard to possible avenues for the proposed project to proceed. It would appear that there are several options:



- Amend existing Special Use Permit allowing development on previously undeveloped property;
- Rezone parcel to Commercial “C-2” and amend existing Special Use Permit;
- Rezone parcel to Commercial “C-2” and seek new Special Use Permit for new development.

If the individual decides to pursue one of the options, based on the Planning Commission’s feedback/guidance. Staff would work with the individual to file an application and the matter could be set for public hearing at the next available Planning Commission meeting.

### **REQUEST**

Direction/guidance from the Planning Commission.

### **ATTACHMENTS**

- Site Plan Review Letter (September 2018)
- Special Use Permit (2005)
- Special Use Permit Application (2005)
- Site Plan (2005)
- Planning Commission Minutes (June 2005)
- Commercial Zoning Districts – *Statement of Intent*s



P.O. Box 420  
510 Seventh Street  
Altavista, VA 24517  
Phone (434) 369-5001  
Fax (434) 369-4369

September 5, 2018

Michael E. Mattox  
5 Dogwood Lane  
Altavista, VA 24517

Dear Mr. Mattox,

On or about August 31, 2018 you requested that I review a set of plans to expand the number of storage units located on property you own at 2181 Lynch Mill Road, Parcel ID 69-A-4. As I started to review the plans, I checked our records and discovered you were issued a Special Use Permit (SUP) for the current storage units at this location. The number and location of the units were very specific and listed in the conditions of the SUP. Ninety-seven (97) units were/are permitted and placement must be as specified on your original site plan.

Since the issuance of your SUP, the Zoning Ordinance was updated and changed, in 2011. When you were issued the SUP in 2005, the 2000 code had the following 'catch all' language:

*'Section 86-322 (2) Special Use Permit: Any use not listed in a subsection (1) of this section may be permitted in district C-1 only upon issuance of a special use permit by the town council with such conditions as may be imposed by the council.'*

Mini-storage units were not permitted, by right, in the C-1 zoning district in 2005, however, because of the language in 86-322 (2) the Planning Commission considered and recommended approval of your application and Town Council issued a SUP.

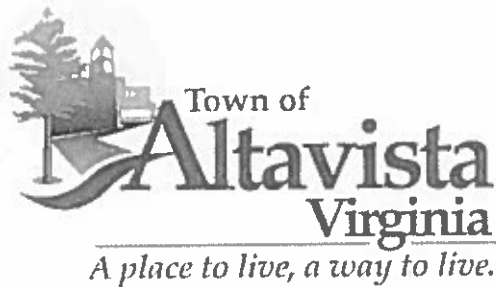
When the code was updated in 2011, the PC elected to remove the 'catch all' statement, and list all the allowable uses for each zoning district and Council adopted that new language. Any use not listed in a given district is presumed to be prohibited. The permitted uses for the C-1 district does not list mini-storage units as a permitted use and therefore, they are not permitted. However, they are permitted with a SUP in the C-2 district and in the M district, by right, but only once the developmental standards found in 86-517 are met.

Based on the conditions specified in your SUP, dated June 14, 2005, I cannot approve any more than 97 units and only as shown on the original site plan. If you do not currently have 97 units, I can consider a site plan that has up to that number. The code does not allow me to approve more than that number and this use is now considered to be grandfathered. Additionally, the new code contains requirements for buffers between commercial and residential districts. I can go over that with you if this need arises.

Don't hesitate to contact me if you have any questions.

My best,

Daniel Witt  
Assistant Town Manager



P.O. Box 420  
510 Seventh Street  
Altavista, VA 24517  
Phone (434) 369-5001  
Fax (434) 369-4369

## **AN ORDINANCE ISSUING A SPECIAL USE PERMIT FOR SELF-STORAGE UNITS ON STATED CONDITIONS:**

Be it ordained by the Town Council of the Town of Altavista:

The application dated May 20, 2005 filed by Michael Mattox, E.C.M, LLC (herein after "applicant"), for a Special Use Permit to utilize the property for stated purposes, located at the corner of Ogden and Lynch Mill Road, Tax Map # 69B-9-81-10 through 14, is approved. Applicant must comply with all conditions contained in this Special Use Permit.

The issuance of this Special Use Permit to use said property for self-storage units, pursuant to Section 86-33 of the Code of the Town of Altavista, shall be conditional on the following:

1. Applicant shall place units on lot as proposed in the preliminary plan with no units located on the rezoned 1.564 portion of the property.
2. Applicant shall submit appropriate site plan and secure all necessary permits prior to the construction of any units.
3. The maximum number of units permitted on the property shall be 97.
4. The use of any lighting shall be directional and away from any residential lots.
5. Proper Screening shall be placed in accordance with Town Code, Section 86-325.
6. Special Use Permit shall remain in effect should the property be sold.

The Altavista Town Council issued this Special Use Permit on the 14<sup>th</sup> day of June 2005.

Date: 6-4-07

TOWN OF ALTAVISTA, VIRGINIA

By: D. D. Hunt

Copy of the above Special Use Permit received this 4 day of June, 2007.

Michael Mattox, E.C.M. LLC

By: M. E. Mattox

# TOWN OF ALTAVISTA

P.O. Box 420  
Altavista, VA 24517

## ZONING PERMIT

**ATTENTION:** This Zoning Permit indicates compliance with the Town of Altavista's Zoning Ordinance, and is required for the issuance of a Building Permit by the Campbell County Building Official in Rustburg. **Before construction may begin, a Building Permit must also be obtained from the Campbell County Building Inspections Department located in the County Office Building in Rustburg.**

Date: 6/28/07 Zoning Permit # 036 - 07

Name of Landowner: Michael Mattox  
Address: 5 Dogwood Lane  
Altavista, VA 24517

Landowner Telephone Number: (434) 309-1588

Name of Applicant: Same  
Applicant Address: \_\_\_\_\_  
\_\_\_\_\_

Applicant Telephone Number: \_\_\_\_\_

### Property Identification:

Location/ Address of Property: 2181 Lynch Mill Road  
Altavista, VA 24517

Real Estate Tax Map # 69-A-46 Acreage: 1.56

Zoning District: C1 Corner Lot: ☐ Yes ☒ No

Site Plan Required: ☒ Yes ☐ No Site Plan Approved: ☒ Yes ☐ No

Setback Requirements: ☐ N/A  
Front 35' Side 25' \* other - as in SUP.  
Rear 25' Side 25'

Existing Land Use: Vacant Proposed Use: Storage Units

**ZONING PERMIT  
PAGE 2**

**Purpose of Obtaining Zoning Permit:**

- ☐ Residential      ☒ Commercial      **97-Storage Units See Sup**
- ☒ New Construction      ☐ Renovation      ☐ Detached Carport/Shed/Garage
- ☐ Home Occupation      ☐ Other: \_\_\_\_\_

**Water and Sewer Connection(s)**

- ☐ Residential      ☐ Commercial      ☒ N/A      **No Water or Sewer**
- Water Connection Fee: ☐ N/A      ☐ Standard      ☐ Other- Size \_\_\_\_\_ ☐ Paid
- Sewer Availability Fee: ☐ N/A      ☐ Paid
- Sewer Connection Fee: ☐ N/A      ☐ Paid

This application is made subject to all Local and State Laws, ordinances, rules, and regulations now in force effecting thereto: and which are hereby agreed to by the undersigned and which shall be deemed a condition entering into the exercise of the permit. I hereby authorize appropriate Town and/or County Officials to enter upon the above described property during normal business hours to conduct required inspections. I hereby certify, under the penalties of perjury, that the information on this permit is true and correct.

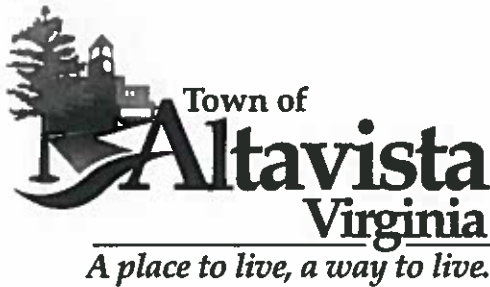
Signature:       Date: 6/28/07

(This Section to be Completed by the Zoning Administrator)

Zoning Approved Under Provision of Section(s) 86-321 > 327 plus Special Use Permit  
of the Town of Altavista Zoning Ordinance.

Zoning Administrator:       Date: 6-28-07

**This zoning permit is valid only for the purpose stated above. Any other purpose/use requires issuance of a new zoning permit. Zoning permits are issued for a period of six (6) months from the date of approval, and the permit will automatically expire if construction does not begin during such period or if work is suspended or discontinued for a period of two (2) years.**



P.O. Box 420  
510 Seventh Street  
Altavista, VA 24517  
Phone (434) 369-5001  
Fax (434) 369-4369

## APPLICATION FOR SPECIAL USE PERMIT

To: Zoning Administrator

From: Michael E. Mattox E.C.M. LLC

Request is hereby made by the principle officer of applicant or undersigned owner of the below listed property for consideration of a Special Use Permit as provided for in Section 86-33 of The Code of the Town of Altavista, Virginia 2002.

The property is located at Corner of Ogden & Lynch Mill Rd

The current zoning classification is C-1

The proposed zoning classification is \_\_\_\_\_

Special Use Permit for Storage Buildings,  
Lots 10 through 14.  
97 units

Signature: 

Title: Owner

Date: 5-20-05

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### OFFICE USE ONLY

CASE NO: 05-006

TAX MAP NO: 69B-9-81-10-14

I \_\_\_\_\_, do hereby declare by this sworn affidavit that to my knowledge no member of the Altavista Town Council or the Altavista Planning Commission or member of their immediate households has any interest in such property, individually, by ownership of stock in a corporation owning such land, or partnership, or the property represented by this petition.

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

The foregoing instrument was acknowledged and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

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**OFFICE USE ONLY**

CASE NO: 05-006 TAX MAP NO: 69B-9-81-10-14

DATE RECEIVED: 5-22-05 REFERRED TO COUNCIL: -  
REFERRED TO PLANNING COMMISSION: 6-6-05  
REFERRED TO COUNCIL: 6-14-05

**NOTICES OF PUBLIC HEARINGS TO ADJACENT PROPERTY OWNERS**

NUMBER OF PIECES MAILED: 7  
DATE MAILED: 5-24-05 CERTIFIED: \_\_\_\_\_ 1<sup>ST</sup> CLASS: ☒

**PUBLIC HEARINGS**

PLANNING COMMISSION: June 6 TOWN COUNCIL: June 14

**ACTION TAKEN**

APPROVED BY TOWN COUNCIL: ☒  
DISAPPROVED BY TOWN COUNCIL: \_\_\_\_\_  
DATE: June 14, 2005



I, Michael E. Mattox, do hereby declare by this sworn affidavit that the below listed members of the Town Council or the Planning Commission and/or members of their immediate households hold an interest in such property, individually, by ownership of stock in a corporation owning such land, or partnership, of the property represented by this petition.

Signed: [Signature]

Title: owner / President

The foregoing instrument was acknowledged and sworn to before me this 23<sup>rd</sup> day of May, 2005 by Jo Ann Scruggs  
Michael E. Mattox

[Signature]  
Notary Public

My Commission Expires 12-31-05

Note: Names of parties holding interest may be listed on the back of this sheet or by attachment of additional sheets to this form.

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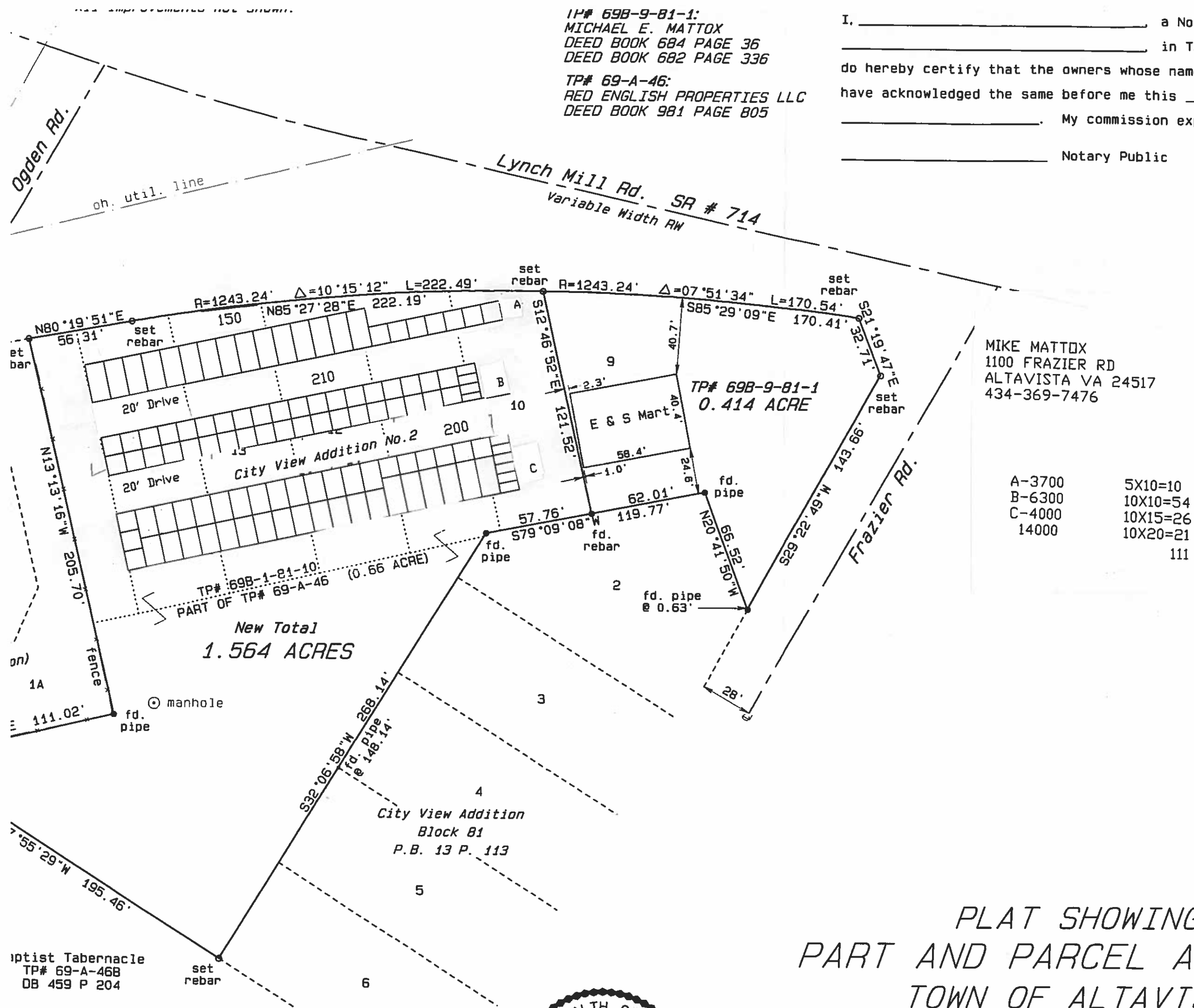
**OFFICE USE ONLY**

CASE # 05-006

MAP # 69B-9-81-10-14

TP# 69B-9-81-1:  
MICHAEL E. MATTOX  
DEED BOOK 684 PAGE 36  
DEED BOOK 682 PAGE 336  
TP# 69-A-46:  
RED ENGLISH PROPERTIES LLC  
DEED BOOK 981 PAGE 805

I, \_\_\_\_\_ a Notary Public in and for  
\_\_\_\_\_ in The State of \_\_\_\_\_  
do hereby certify that the owners whose names are signed heron,  
have acknowledged the same before me this \_\_\_\_\_ day of  
\_\_\_\_\_. My commission expires: \_\_\_\_\_  
\_\_\_\_\_  
Notary Public



The Altavista Planning Commission held a regularly scheduled meeting on Monday, June 6, 2005 in the Council Chambers at 5:00 PM

Members present	Bob Carpenter, Chairman
	Craig Amo
	Dr. Larry Jewell
	Mike Mattox
	Aubrey Rosser
	Betty West
	John Woodson
Also present	Cheryl Dudley
	Dan Witt

The minutes from the meeting on May 2, 2005 were reviewed and approved.

At 5:05PM a public hearing was opened in reference to the Special Use Permit application applied for by Mr. Mike Mattox. The Public Hearing was properly advertised in the Journal, letters were mailed to all the adjacent landowners, and a sign was placed on the property. Mr. Mattox explained that he would like to construct up to 97 storage units on the commercial lots, zoned C1, next to his current business at 1100 Frazier Road. The public hearing was closed at 5:14PM.

A motion was made by Aubrey Rosser to recommend to Council that the Special Use Permit be approved with the following conditions:

1. the maximum number of storage units not be greater than 97: (As proposed in the site plan)
2. the units be situated on the site as proposed in the preliminary plan: (no units on the recently rezoned 1.564 acre parcel)
3. the use of any lighting shall be directional and away from any residential lots:
4. that proper screening, in accordance with Town Code, Section 86-325 be complied with:
5. the Special Use Permit continue to be in effect should the property be sold.

John Woodson seconded the motion. All Commission members were in favor with none opposing.

Dr. Jewell suggested for safety reasons that the Planning Commission recommend to the Street Committee that they review and discuss removing three of the parking spaces on the north bound lane of 7<sup>th</sup> Street at the crosswalk at the YMCA. This would help motorists see anyone that is waiting to cross in the cross walk. Dr. Jewell also suggested that the Town consider placing stop signs at the intersection of the alleys that open onto a busy street. Mr. Mattox asked that Mr. Witt add these two items to the Street Committee agenda for the meeting scheduled on Wednesday, June 8, 2005.

Dan Witt gave the administrative report in reference to the permits applied for in the month of May.

Mr. Carpenter, Mr. Amo, and Mr. Witt reported to the Planning Commission what they observed at the meeting in Appomattox on May 18<sup>th</sup>. They were all three in favor of the speaker coming to Altavista and talking to the local planners, business owners, developers and elected officials.

The meeting was adjourned at 5:54PM

## **DIVISION 5. C-1 (LOCAL COMMERCIAL) DISTRICT**

Sec. 86-321. - Statement of intent.

The purpose of the C-1 (local commercial) district is to provide for the establishment or continuance of small business areas that will serve the surrounding residential neighborhoods with convenience goods and services. Since traffic and parking congestion should be held to a minimum near residential areas to protect property values and preserve amenities of residential areas, all development in the C-1 district shall take place in a limited business setting. A desirable size for such an area is several offices or stores and would include such activities necessary for the day-to-day operation of a typical household or uses that do not detract from the character of the surrounding community. All retail uses in the C-1 district are intended to be compatible with adjoining office and/or residential uses. Certain residential uses are allowed in the C-1 district, provided that minimum standards are met.

(Ord. of 10-11-2011(3), § 2)

## **DIVISION 6. C-2 (GENERAL COMMERCIAL) DISTRICT**

Sec. 86-351. - Statement of intent.

The C-2 (general commercial) district covers those areas of the community intended for the conduct of a wide variety of businesses to which the public requires direct and frequent access and is characterized by frequent vehicular and pedestrian traffic. This C-2 district is the major business district of the town which is the focal point of where business can be successful and grow in the community. Certain residential uses are allowed in the C-2 district, provided that minimum standards are met. Site development regulations are designed to ensure compatibility with adjoining land uses.

(Ord. of 10-11-2011(3), § 2)

## PLANNING COMMISSION AGENDA FORM

**Agenda Item and Number:** Preliminary Discussion – “Event Space” type use

**Subject Title:** “Event Space” type use discussion

**Meeting Date:** October 1, 2018

**Action Needed:** Feedback to staff.

### Subject Overview

#### **ITEM**

Recently staff had a conversation with an individual that is considering the “repurpose” of a building in town for an “event space”. Upon review of the Town’s Zoning Ordinance, a use was not found that meet the concept. At this time, staff would like to have a very preliminary discussion in regard to this subject and get input/feedback from the Planning Commission.

#### **REQUEST**

Thoughts/input from the Planning Commission.

#### **ATTACHMENTS**

- None