

The Altavista Planning Commission held a regularly scheduled meeting on Monday, February 1, 2010 at 5:30PM in the Council Chambers.

Members present - Jerry Barbee, Chairman
Bill Ferguson
Audrey Powell
Tim Wagner
John Woodson

Also present - Ron Coleman
Cheryl Dudley
John Eller
Mark Thomas
Dan Witt

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

The minutes from the meeting on Monday, January 4, 2010 were reviewed and approved with corrections. A motion was made by Mrs. Powell and seconded by Mr. Ferguson. All members were in favor with none opposing.

The Planning Commission (PC) discussed the application of the SUP for B&D Auto Sales. Mr. Ferguson stated that there were issues that concerned him. The disregard for rules and laws and the character of the business were concerns listed by Mr. Ferguson. He said that two weeks prior to this meeting he drove through the parking lot at the former Lane building and counted six cars with flat tires and this was something that Mrs. Hall was going to be taking care of but had not done.

Mrs. Powell stated that she was concerned about the prior irresponsible business practices that seemed to have guided B&D in their dealings with others concerning their business. She cited that in the summer of 2007 letters were sent by Mr. Hank Frazier requesting that B&D Auto Sales remove the cars from the Frazier property off of Wood Lane. B&D Auto Sales took no action on that request for one year. Mr. Frazier's attorney then filed a petition with the court and sent a letter to B&D requesting removal of the vehicles. The cars were removed prior to court action, however that took another four months. The total time from the first letter in 2007 until the removal of the cars was 16 – 18 months. Mrs. Powell said that was reprehensible.

Mrs. Powell continued stating that since the cars have been parked at the former Lane Company parking lot, the cars have had flat tires and there have been several complaints regarding storing of cars in a residential neighborhood in the back yard of rental property owned by Mr. Hall. Their disregard of the parking signs at their business on Main Street along with the appearance of the lot on Main Street was also noted. She said that B&D's business practice is poor and they have shown no compliance for the

legal requests. Mrs. Powell referred to the concerns expressed at the public hearing and that those concerns are directly related to her own.

Mr. Wagner said that his biggest concern was 'the time frame it took B&D Auto Sales to remove the cars from the Frazier property after they were instructed to do so'. He stated he has the 'same concerns with that happening at the former Lane company parking lot'. He said it 'could be detrimental if there were another industrial prospect looking at that facility with how long it would take to get the lot cleared' from B&D Auto Sales stored cars. He stated concerns about their poor business practices and that he doesn't think it is the best use for that particular piece of real estate.

Mr. Woodson stated that as far back as he can remember anything about the B&D Auto Sales business that it has always been blight and with the Town of Altavista trying to get things cleaned up, they have been one of the businesses he has been concerned about. He doesn't know how they operate a business out of the place on Main Street and isn't sure that selling cars is their business. According to one DMV report they sold 20 cars last year and 'that is not making a living especially if they are buying cars and needing storage room for them'. Since the public hearing in January he stated that he has 'driven past the Main Street location several times and has noticed that there has been no effort to make the car lot look any better than it normally does. They have too many cars on that lot'. He said that he thinks the lot will become a nuisance and he sees no change from their prior business practice.

Mr. Barbee stated that he was 'disappointed that at the last PC meeting Mrs. Hall knew it was an issue with the tires being flat and has made no effort to correct it'. He said that the zoning ordinance stated that the zoning of the industrial district (M-2) district is for heavy commercial operations and based on some of the comments by Mr. Edwards, Mr. Moore, and Mr. Lucy at the January meeting that this could create a situation that could be detrimental to the neighborhood. The ordinance clearly states 'but will not be detrimental to the existing neighborhood.' He also stated that B&D Auto Sales would not be conducting a commercial use of this property at the former Lane Company parking lot because they aren't selling cars from the lot. Rather it would be used for storage of unattended used vehicles.

Mr. Ferguson made a motion to deny the application of the SUP by B&D Auto Sales and added that they be asked to remove the vehicles within 90 days. The motion was seconded by Mr. Wagner. All members were in favor with none opposing.

The reasons for the denial are as follows:

1. Land Use: The use does not fit the intent for the M2 Industrial Zone as the storing of vehicles is not an industrial or heavy commercial use.

The purpose of the industrial district M-2 is to provide an area where the principal use of the land is for industrial and heavy commercial operations which may create some nuisance effects

2. Laws: The applicant and owner have had repeated violations of the law:

- parking and storing vehicles in the VDOT right-of-way;
- storing vehicles in a residential neighborhood;
- violating a court order in Campbell County and found guilty, which resulted in jail time for Mr. Hall;
- operating a business in Campbell County without a business license and found guilty;
- parking cars at 301 Pittsylvania Avenue without 1st checking with the Zoning Administrator and in violation of the Town Code.

Based on prior history there is no indication that the applicant would comply with any conditions set if a permit were to be issued.

3. Future Development: The requested use is considered detrimental to future development or recruitment efforts for this site.
4. Proximity to Downtown Revitalization: The requested use is just outside the revitalization area and would be unsightly and possibly a negative impact on these efforts.
5. Site Appearance: Vehicles during this period have not been maintained and each visit revealed numerous vehicles with flat tires. The turnover rate would be very slow, based on the number of vehicles sold, and lead to continued deterioration in the condition of the vehicles and appearance of the site.

Mr. Barbee asked Mrs. Powell to report on the Comprehensive Plan meeting with the Town Council. Mrs. Powell stated that she thought it went well and only some minor changes were made and Council had a few questions about Section 8 Housing.

Mr. Witt stated that the TC asked staff to add a section for the Early College Program under the school section, to include Campbell County in the Economic Development Section, and to change the wording in a couple of action plans.

Mr. Barbee asked for the date to be changed for the meetings from the first Monday of each month to the first Tuesday of each month at 5:30PM. A motion was made by Mr. Ferguson and seconded by Mrs. Powell. All members were in favor with none opposing.

Mr. Witt gave his staff report. The zoning permits issued for the month of January are as follow:

4-Ja 01-010	Melanie Phelps 1874 Lynch Mill Road, Altavista	Destiny Day Care at Church
5-Ja 02-010	Town of Altavista- 510 7th Street	Blanket permit façade CDBG Projects
5-Ja 03-010	Rob Finch/Citizens for Altavista Baseball, 130 Northgate	Repair & Install backstop & storage shed
7-Ja 04-010	Armando Garcia 425 Ridge Rd. Collinsville VA	Mexican Restaurant and Grill 1297 Main Street

7-Ja 05-010 Percy Fox 1003 Broad Street, Altavista VA

8x16' shed in the rear yard

Mr. Witt asked how many of the PC members would be attending the training seminar on February 25, 2010 from 4 – 6PM. All of the PC members plan to attend.

The meeting was adjourned at 6:05PM

Jerry Barbee, Chairman

Dan Witt, assistant to the Town Manager