

October 12, 2010

**KILMARNOCK PLANNING COMMISSION
Tuesday October 12, 2010
Town Hall
Kilmarnock, VA**

Regular Meeting Minutes

1. Call to Order

Chairman Williamson called the regular meeting to order at 7:00 pm with the following members present:

Claudia Williamson, Chair	Denis Bouslough
Jane Ludwig, Vice-Chair	Dave Reedy
John Smith, Council Liaison	Lindsay Gardner

Members Absent:

Steve Bonner

Staff Present:

Marshall Sebra, Zoning Administrator/Planning Director
Paul C. Stamm, Jr., Town Attorney
Joan N. Kent, Transcriber

2. Recognition of Guests:

Chairman Williamson welcomed Kilmarnock residents, business owners and guests.

3. Acceptance of the Agenda

ACTION: Commission Member Reedy made the motion to accept the October 12, 2010 Planning Commission meeting agenda as presented, seconded by Commission Member/Council Liaison Smith; and carried unanimously.

4. Public Forum

Chairman Williamson opened the public forum by inviting members of the audience to voice their concerns or ideas in regards to planning issues. Each speaker was limited to 3 minutes.

There were no participants in the public forum.

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5. Minutes: Approve, Correct or Amend the Minutes for the August 10, 2010 Planning Commission Meeting.

ACTION: Commission Member/Council Liaison Smith made a motion to approve the minutes for the August 10, 2010 Planning Commission meeting as presented, seconded by Commission Member Bouslough; and carried unanimously.

6. Public Hearing:

There were no public hearings held.

7. Commissioner Comments

Chairman Williamson reported that she completed the Certified Planning Commissioners Program in Roanoke, Va. Mrs. Williamson stated that Zoning Administrator/ Planning Director Sebra was attempting to get the instructor of the program to hold a class in Kilmarnock. Mrs. Williamson advised that certification consisted of three days of classroom with homework assignments sent in to the instructor on a weekly basis. Mrs. Williamson finalized by saying that she felt everyone would benefit greatly from the program.

Zoning Administrator/ Planning Director Sebra stated that he had emailed Mr. Michael Chandler, who ran the private organization known as Planning Commission Association, in regards to holding certification in Kilmarnock but stated that he had not heard back from him yet.

8. Old/ Unfinished Business

Zoning Administrator/ Planning Director Sebra advised Commission Members that although it was their recommendation to Council to grant the Nunnally rezoning request, Council had voted to deny it. Mr. Sebra stated that new information surfaced during the Council meeting which he felt paved the way for denial. Mr. Sebra advised that Mr. Glenn Cockrell provided Council with a letter that he had written, accompanied by a petition signed by Town residents. Mr. Sebra provided each Commission Member with a copy of the letter and petition. Mr. Sebra stated that Commission Member Bonner and other Commission Members had written a resolution from the Planning Commission to Council asking them to reconsider.

Chairman Williamson replied that Commission Member Bonner had done all of the hard work.

Mr. Sebra said that during the Council meeting, Mr. Cockrell brought to their attention that he thought the rezoning notification process could be

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improved by placing signs in front of the properties to be rezoned. Mr. Sebra advised that the Town was in compliance with the law by placing an advertisement in the local newspaper, and noted that all public hearings were also put on the Town's website but admitted that he liked the idea of posting a sign in front of the property. Mr. Sebra presented each Commission Member with an example of a sign that he had made.

Chairman Williamson stated that she was surprised when the rezoning request was denied by Council because the request fit within the Comprehensive Plan.

Vice-Chair Ludwig commented that the Comprehensive Plan was a plan that Planning Commission Members had worked so hard on over the years.

Commission Member Bouslough asked for clarification on the Comprehensive Plan.

Vice-Chair Ludwig replied that it was the plan derived regarding the growth of the Town.

Chairman Williamson asked Commission Members if everyone had had time to read the resolution.

Commission Member Bouslough asked Mr. Sebra if there was anything inconsistent about that property being rezoned from R-1 to R-2, legally or otherwise.

Town Attorney Stamm replied that there was no legal problem with rezoning the property but stated that it probably could be a legal problem because it was denied. Mr. Stamm added that had not happened yet.

Commission Member Reedy asked if the house next to that property had been rezoned.

Town Attorney Stamm replied that the house located across Second Street had been rezoned. Mr. Stamm said that Ross's Rings and Things was also located across the street from the property and noted the neighbors adjacent to the property were in favor of the rezoning. Mr. Stamm added that it couldn't get any better than that plus that was the way that the Comprehensive Plan directed commercial to creep.

Vice-Chair Ludwig commented that the rezoning was just natural progression.

ACTION: Commission Member Bouslough made a motion to submit the Resolution to Town Council

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respectfully asking that the rezoning request made by Wayne Nunnally regarding 201 Irvington Road be reconsidered, seconded by Vice-Chair Ludwig;

DISCUSSION:

Commission Member Gardner asked if Mr. Nunnally had communicated that he would like to have this issue brought back before Council.

Town Attorney Stamm replied that Mr. Nunnally was in the decision making process at this time and that he had talked to him. However, Mr. Stamm advised that this request did not come from Mr. Nunnally but from several Commission Members.

Commission Member Gardner asked if Mr. Nunnally was still interested in having the property rezoned.

Town Attorney Stamm replied perhaps and if not then Mr. Nunnally would not show up at the Council meeting.

Commission Member Gardner stated that she knew there had been very few times when Council had not accepted the recommendation of the Planning Commission but asked if petitioning Council to reconsider had ever happened before and if it was part of the normal process.

Town Attorney Stamm advised that the resolution just simply said that the Planning Commission did not agree with what Council had done and it was not legally binding.

Chairman Williamson stated that she felt Council did not consider all of the points and take into consideration that this was natural progression under the Comprehensive Plan.

Chairman Williamson called for the vote:

The vote was unanimous.

Chairman Williamson asked if anyone wanted to make a motion regarding the posting of signs in front of properties that were subject to being rezoned.

Vice-Chair Ludwig was curious as to what color the signs would be.

Zoning Administrator/ Planning Director Sebra suggested that they be black and white for now.

ACTION: Commission Member Reedy made a motion to recommend to Council that signs be posted on properties subject to rezoning as part of the notification process, seconded by Commission Member Bouslough; and carried unanimously.

9. New Business

A. Term Expiration – Reappointment of Denis Bouslough

ACTION: Commission Member Reedy made a motion to recommend to Council that Denis Bouslough be reappointed to the Kilmarnock Planning Commission for a full term, seconded by Commission Member/ Council Liaison Smith; and carried unanimously.

B. Recommendations for BZA Vacancies.

Zoning Administrator/ Planning Director Sebra stated that with the passing of former Mayor Davis and Mr. Welby Saunders moving from the Town of Kilmarnock, there were two vacancies on the Board of Zoning Appeals that needed to be filled.

Vice-Chair Ludwig stated that Mayor Booth had made a few calls and asked several individuals if they would be interested.

Chairman Williamson advised that the recommendations were Mr. Al Ludwig and Ms. Geneva Dawson. Mrs. Williamson asked if there were any other recommendations.

Hearing none, Commission Member/ Council Liaison Smith made the following motion:

ACTION: Commission Member/Council Liaison Smith made the motion to recommend to Council that Al Ludwig and Geneva Dawson be appointed to fill the Board of Zoning Appeal vacancies, seconded by Commission Member Bouslough; and carried unanimously.

10. Adjournment

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Action: Commission Member Reedy made the motion to adjourn, seconded by Commission Member/ Council Liaison Smith; and carried unanimously.

Meeting adjourned at 7:25 PM

Prepared by:

Joan N. Kent

Claudia Williamson, Chair