

March 8, 2011

**KILMARNOCK PLANNING COMMISSION
Tuesday March 8, 2011
Town Hall
Kilmarnock, VA**

Regular Meeting Minutes

1. Call to Order

Vice-Chair Ludwig called the regular meeting to order at 7:00 pm with the following members present:

Jane Ludwig, Vice-Chair
Steve Bonner
Denis Bouslough

John Smith, Council Liaison
Dave Reedy

Members Absent:
Lindsay Gardner

Staff Present:
Marshall Sebra, Zoning Administrator/Planning Director
Tom Saunders, Town Manager
Joan N. Kent, Transcriber
Kevin Dawson, Police Officer

2. Recognition of Guests:

Vice-Chair Ludwig welcomed Kilmarnock residents, business owners and guests.

3. Acceptance of the Agenda

ACTION: Commission Member Reedy made a motion to accept the March 8, 2011 Planning Commission meeting agenda as presented, seconded by Commission Member/ Council Liaison Smith; and carried unanimously.

4. Recognition of Service- Passing of Claudia L. Williamson, Chairman

Zoning Administrator/Planning Director Sebra solemnly addressed Planning Commission Members regarding the passing of Chairman Claudia Williamson on February 22, 2011. Mr. Sebra stated that Mrs. Williamson was an active Kilmarnock Planning Commission Member for over 15 years and her valuable dedication and contributions were very much appreciated by the Town

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as well as the community. Mr. Sebra finalized by saying that Claudia would be greatly missed.

Commission Member Bonner also paid tribute to Claudia Williamson by saying that she served as a member, Vice-Chair, and Chair of the Kilmarnock Planning Commission and would be greatly missed. Mr. Bonner stated that Claudia was a true asset to those she served and constantly sought the best for the Town of Kilmarnock. Mr. Bonner said that Claudia allowed all who came before the board to be treated fairly and in a sagacious manner. Mr. Bonner finalized by saying that her quiet thoughtful legacy was one to be emulated.

Vice-Chair Ludwig added that Claudia was a friend to everyone she knew and never went about things in an ostentatious way, but quietly and gently. Mrs. Ludwig agreed that Claudia would be greatly missed.

Commission Member Bouslough said that he only knew Claudia for two weeks but during that period of time she was always gracious, had a smile on her face and was a joy to work with. Mr. Bouslough stated that it came as a shock that her illness took her so quickly.

5. Public Forum:

Vice-Chair Ludwig 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.

6. Minutes: Approve, Correct or Amend the Minutes for the February 8, 2011 Planning Commission Meeting.

ACTION: Commission Member Reedy made a motion to approve the minutes for the February 8, 2011 Planning Commission meeting as presented, seconded by Commission Member/ Council Liaison Smith and carried unanimously.

7. Public Hearing:

Request by Charles Edward Dixon, Jr. to rezone a parcel of land located at 132 Irvington Road (Tax Map # 23A-21-11) from R-1(Low Density Residential) to C-1(General Growth)

A. Vice-Chair Ludwig opened the public hearing.

B. Vice-Chair Ludwig asked for Administrative Comments.

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Zoning Administrator/Planning Director Sebra advised that a copy of the application, a location map, and a current zoning map was included in each Commission Member's packet. Mr. Sebra stated that the parcel was currently surrounded by R-1 property in the rear, R-2 property to its left, with C-1 property to its right and C-1 property across the street. Mr. Sebra said that the parcel was located within the Steptoe's Overlay District. Mr. Sebra stated that Mr. Dixon wanted to rezone the property to attract professional office use instead of just single family renters. Mr. Sebra advised that he had included a copy of a letter received from the adjacent property owners who were Thomas and Jackie Edwards. Mr. Sebra stated that he spoke with Mrs. Edwards by phone who said that she did not have a problem with the rezoning but if the parcel was used commercially then she would like to have a privacy fence or some type of screening between that property and hers.

Commission Member Bonner commented that the Planning Commission could not require Mr. Dixon to put up a privacy fence.

C. Vice-Chair Ludwig asked for the Applicant's Comments

Mr. Dixon stated that he was a friend of the Town of Kilmarnock and noted that he had been friends with most of the people in Town for years. With that said, Mr. Dixon advised that he wanted to do what was right. Mr. Dixon said that what he anticipated for the property was a type of business that would be open from 8 am to 5 pm and nothing that would require a fence to separate the two properties. Mr. Dixon said that if it ever came to the point that Mrs. Edwards was not happy or a business on that parcel was invading her privacy than he would be open to installing a fence.

Commission Member Bonner reiterated that installing a fence was not something that the Town could force him to do but noted that he was glad to see that Mr. Dixon would work with Mrs. Edwards if it came to that.

D. Vice-Chair Ludwig asked for Public Comments.

There were no public comments.

E. Vice-Chair Ludwig closed the public hearing.

F. Vice-Chair Ludwig asked for Commissioner's Comments and/or Action.

Vice-Chair Ludwig said that although the Town would like to see more green buffers, they could not require them. Mrs. Ludwig stated that the way that Mr. Dixon presented his view was beautifully done.

Commission Member Bonner stated that he was going to make a motion to recommend the rezoning to Council based on the following reasons:

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1. The land being requested for re-zoning to C-1, borders on the East with property currently zoned and used as C-1.

2. Two lots down from this parcel to the West, there is a business that has been used as C-1 for over twenty years.

3. The land being re-zoned to C-1 is consistent with the Comprehensive Plan for the Town of Kilmarnock for future use to be re-zoned to C-1.

4. There has been a sign placed on this property for over a week indicating the possible re-zoning without a large resistance from surrounding property owners.

ACTION: Commission Member Bonner made a motion to recommend that Council approve the re-zoning request submitted by Charles Dixon, Jr. regarding the parcel located at 132 Irvington Road listed as Tax Map # 23A-21-11 from R-1 to C-1, seconded by Commission Member Reedy; and carried unanimously.

8. Commissioner Comments

There were no Commissioner Comments.

9. Old/ Unfinished Business

There was no discussion under Old/Unfinished Business.

10. New Business

A. Upcoming meeting agenda items

Zoning Administrator/ Planning Director Sebra advised Planning Commission Members that next month they might see some text amendments to the Town's Utility Ordinance regarding the use of private irrigation wells. Mr. Sebra stated that the Northern Neck Water Supply Plan had been completed at the Northern Neck Planning District level and was submitted to all of the localities within the Northern Neck for adoption. Mr. Sebra advised that with it came the Drought Contingency Plan which gave localities the authority to regulate the use of water during drought conditions. Mr. Sebra stated that the plan would be helpful during the Comprehensive Plan Review and that each Commissioner would receive a copy of it.

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B. Comprehensive Plan Review

There was no discussion.

C. Zoning Log Report

A copy was included in each Commission Member's packet.

D. Town Manager Comments

Town Manager Saunders said that he would like to offer his condolences to the Planning Commission regarding the loss of Chairman Claudia Williamson. Mr. Saunders said that Claudia was a wonderful person who was going to be missed dearly.

Mr. Saunders provided each Commission Member with a copy of a draft of the Town's Capital Improvement Budget and asked for their input especially in the area relating to furthering the growth and development of the Town as directed through their zoning administration. Mr. Saunders said that he also wanted to make the Planning Commission aware that the Town was contemplating changes to the Enterprise Zone by implementing a local incentive package. Mr. Saunders said that folks who invested money in a new business or building in the enterprise zone for commercial reasons would be eligible for discounts on fees, water/sewer rates, etc. for a period of time as an incentive. Mr. Saunders advised that local incentives had not been revised for some years and was asking for the Planning Commission's feedback on this as well. Mr. Saunders stated that the Town was a part of the Northern Neck Enterprise Zone so any changes made would have to be approved by all of the counties involved. Mr. Saunders said that it was a good time to look at the incentives, make them more attractive, and submit them for approval.

Commission Member Bonner asked Town Manger Saunders if the radio-read meters which were approved in 2006 were pushed aside.

Town Manager Saunders said that the origination of that project was before his time. Mr. Saunders stated that currently there were 100 radio-read meters installed but none were put in during the past year because of budget concerns. Mr. Saunders said that the issue now was not necessarily the money but the man power. Mr. Saunders stated that there were another 1000 that needed to be installed and even if James Segal and Wayne Kent could get two put in during a week, they would be a long time getting all 1000 done. Mr. Saunders said that the budget needed to be revisited and the installation contracted out.

Commission Member Bonner advised that when he goes to the Town Council meetings there was usually a discussion concerning unsightly

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properties. Mr. Bonner stated that years ago there used to be a clean-up week whereas the Town worked with citizens to have trash and debris removed from their property if it was put out by the curb. Mr. Bonner said that he would like for the Planning Commission to urge Town Council to consider re-establishing this event and the Town trying to be a positive force instead of a negative one. Mr. Bonner said that maybe a group could get together and help those who were not physically able to clean up their property themselves.

Town Manager Saunders commented that it was a good suggestion. Mr. Saunders said that Towns that have garbage collection programs generally have quarterly pick-up dates but Kilmarnock would have to look at it from a slightly different angle.

Commission Member Reedy recalled when Kilmarnock had such a program called "Spring Clean-up Week".

Commission Member Bonner said he thought that maybe this would put a positive spin on a negative situation.

Mr. Saunders commented that once one person got their property cleaned up then it would put a social pressure on others to follow suit.

Zoning Administrator/ Planning Director Sebra advised that the Town did have a nuisance ordinance which dealt with old cars, tall grass, and things like that. Mr. Sebra stated that last year Council appointed him as Property Maintenance Official for the Town and he was able to enforce State Building and Property Maintenance Codes. Mr. Sebra said that the state codes dealt with unsafe structures and nuisance properties. Mr. Sebra acknowledged that other localities did have what they called an Adopt a Truck Program whereas a block of the community would get together and put debris out to the curb. Mr. Sebra commented that if Kilmarnock had the staff then debris could be put in the dump truck and hauled away. Mr. Sebra said that he would check into how other localities were doing this.

Vice-Chair Ludwig commented that there were a lot of elderly people living in Town and in the past during spring clean-up week volunteers would help them to clean up their yard and get debris out to the curb. Mrs. Ludwig said that for a small fee Doggett Disposal would make an extra run to pick the items up because some of them would be worth money if taken to the proper place. Mrs. Ludwig said that one lady on her street saved every single drink can but did not have the ability to take them anywhere to turn them in. Mrs. Ludwig said that this lady just did not think it was appropriate to throw them away.

Commission Member Bonner advised that if properly done, the Town could get Churches and other volunteers involved.

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Commission Member Bonner said that out of respect for Claudia Williamson, he felt that any recommendations to fill the Chairman's position should be deferred until next meeting.

Vice-Chair Ludwig agreed saying that she did not feel that any Planning Commission Member was ready for that at the present time.

10. Adjournment

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

Meeting adjourned at 6:35 PM

Prepared by:

Joan N. Kent

Jane Ludwig, Vice-Chair