

December 14, 2015

**KILMARNOCK PLANNING COMMISSION  
Monday December 14, 2015  
Town Hall  
Kilmarnock, VA**

**Regular Meeting Minutes**

**1. Call to Order**

Chair Towner called the regular meeting to order at 6:00 pm with the following members present:

Ann Towner, Chair  
Poppy Cockrell  
Albert Nunn

Neill Schultz  
Dr. Curtis Smith- Council Liaison  
Les Spivey

Absent:

John Raymond

Staff Present:

Marshall Sebra, Zoning Administrator/Planning Director  
Joan Kent, Minutes Clerk

**2. Recognition of Guests:**

Chair Towner welcomed Kilmarnock residents, business owners, and guests.

**3. Acceptance of the Agenda**

**ACTION: Commission Member Spivey made a motion to approve the December 14, 2015 Planning Commission Meeting Agenda as presented, seconded by Commission Member Schultz; and carried unanimously.**

**4. Minutes: Approve, Correct or Amend the Minutes for the November 9, 2015 Planning Commission Meeting.**

**ACTION: Commission Member Spivey made a motion to approve the minutes for the November 9, 2015**

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**Kilmarnock Planning Commission Meeting as presented, seconded by Commission Member Schultz; and carried unanimously.**

**5. Public Forum:**

Chair Towner 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 public comments.

**6. Commissioner Comments**

There were no comments.

**7. Old/Unfinished Business**

There was continued discussion regarding a request to create regulations pertaining to temporary structures, e.g. food trailers in the Steptoe's Overlay District:

Zoning Administrator/Planning Director Sebra provided Commission Members with a map of the Steptoe's Overlay District, the ordinances that pertained to it, and the act set forth by the Virginia Assembly in regards to allowing mobile vendors on public highways. Mr. Sebra had also included in their packets information on how Ashland, West Point, Winchester, and Portsmouth were dealing with this issue.

Chair Towner presented Commission Members with a preliminary draft of guidelines for mobile truck vendors which she had devised from the information provided by West Point and Ashland. Ms. Towner was requesting that the Planning Commission present it to Council as a temporary basis for administrative guidance for staff until an actual ordinance could be drafted or the Town Park became operational.

Mr. Sebra felt that the preliminary draft presented by Chair Towner was a good starting point and should be presented to Council as well.

The preliminary draft generated lengthy discussion amongst Commission Members. At the end of the discussion, all agreed on the definitions of push cart, mobile food unit, and vendor. They agreed that the vendor must comply with state laws, and obtain a business license, pay meals tax, and could not hook on to temporary water, sewer or electricity. It was decided that mobile food vendors could set up on private property with the owner's permission. Failure by a vendor

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to comply with these rules would result in the vendor not being able to setup within the Town limits. The Commission decided on a 48 hour time limit.

It was the general consensus of the Planning Commission that Chair Towner would make the required adjustments and present the amended draft at the next meeting.

## **8. Public Hearing**

There were no public hearings held.

## **9. New Business**

### **A. Vice-Chair Election**

Commission Member Spivey nominated Commission Member Schultz to serve as Vice-Chair.

**ACTION: Commission Member Spivey made a motion to elect Commission Member Schultz as the Vice-Chair of the Kilmarnock Planning Commission, seconded by Commission Member Cockrell; and carried unanimously.**

### **B. Steptoe Overlay District – Zoning Administrator/Planning Director Sebra**

Mr. Sebra directed the Commission's attention to the Steptoe's Ordinance that was in their packet. Mr. Sebra said that the ordinance did not provide a use by right for single family living in Steptoe's District even though it was already being done. Mr. Sebra stated that single family dwellings were allowed in C-1 but was not carried over into Steptoe's District.

It was general consensus of Planning Commission that it be allowed.

Mr. Sebra also asked the Planning Commission to be thinking about what type of ordinance they wanted in place regarding breweries since they were becoming so popular.

### **C. Log Report**

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

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## 10. Adjournment

**ACTION:** Commission Member Spivey made a motion to adjourn, seconded by Commission Member Schultz; and carried unanimously.

Meeting adjourned at 7:32 PM

Prepared by:

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Joan N. Kent

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Ann Towner, Chair