

December 12, 2011

**KILMARNOCK PLANNING COMMISSION
Monday December 12, 2011
Town Hall
Kilmarnock, VA**

Regular Meeting Minutes

1. Call to Order

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

Jane Ludwig, Chair	Denis Bouslough, Council Liaison
Dave Reedy, Vice-Chair	Lindsay Gardner
Travis Abbott	Joan Gravatt
Steve Bonner	

Staff Present:

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

2. Recognition of Guests:

Chair Ludwig welcomed Kilmarnock residents, business owners and guests. Chair Ludwig recognized Councilmember Umphlett who was seated in the audience.

3. Acceptance of the Agenda

ACTION: Commission Member Bonner made a motion to accept the December 12, 2011 Planning Commission meeting agenda as presented, seconded by Vice-Chair Reedy; and carried unanimously.

4. Public Forum:

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.

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5. Minutes: Approve, Correct or Amend the Minutes for the September 12, 2011 Planning Commission Meeting.

Commission Member Gravatt noted two errors in the September 12, 2011 meeting minutes. Mrs. Gravatt advised that under Section 8: Public Hearings on Page 3 under #3 it should read "There were no participants" and on that same page under #6, it should read "Commission Member Gravatt asked if this was actually the public hearing on this issue".

ACTION: Commission Member Gravatt made the motion to approve the minutes for the September 12, 2011 Planning Commission meeting as amended, seconded by Commission Member Gardner; and carried unanimously.

6. Commissioner Comments

There were no Commissioner Comments.

7. Old/Unfinished Business

There was no discussion under Old/Unfinished Business.

8. Public Hearings:

There were no public hearings held.

9. New Business:

A. Technology/Business Park Expansion

Chair Ludwig asked if anyone had requested the expansion or if it just the overall plan for the Town.

Zoning Administrator/Planning Director Sebra replied that it was just the start of an overall plan for the Town. Mr. Sebra noted that as of now there was no plan in place for the property or any direct request from a business that wanted to move there. Mr. Sebra advised that the topic was presented just for casual discussion amongst the Planning Commission for their take on what they felt the best use for this land would be. Mr. Sebra referred Planning Commission Members to the maps provided and noted that the subject property was adjacent to the current Technology Zone. Mr. Sebra said that there had been discussions at the Committee level of Town Council with staff regarding the best way to go about developing the property and using it. Mr. Sebra advised that he wanted to bring it to the Planning Commission's attention for direction on what they thought was the best use for this land. Mr. Sebra commented that extending Tech Park

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had been the consensus so far. Mr. Sebra stated that currently the Technology Zone was made up of Industrial and C-1. Mr. Sebra said that Tech Park was built out with the exception of one parcel adding that the rest of the land in there was not useable for development. Mr. Sebra stated that the thought so far was to expand Tech Park Drive into the Town's property, split some lots throughout there, and look for some incoming businesses.

Commissioner Member Bonner asked if the situation regarding the propane business that wanted to come to Town had been taken care of.

Chair Ludwig replied that they had fought that.

Commission Member Bonner said that he just wanted to make sure because last time he had to go around and get a petition signed to keep Council from allowing it. Mr. Bonner wanted to know how to assure that the landowners would not try to do that again.

Mr. Sebra advised that a copy of the current Technology Zone Ordinance, Industrial Ordinance, and C-1 Ordinance was included in each Commission Member's packet. Mr. Sebra asked if they decided to rezone the property, would they want to do so as M-1, Commercial or mixed. Mr. Sebra said that as of now it was zoned for residential use. Mr. Sebra answered Commission Member Bonner's question by saying that if the property was rezoned to M-1, petroleum storage was listed in that category with a special use permit.

Chair Ludwig reiterated that it required a special use permit.

Mr. Sebra recanted and stated that it actually required a conditional use permit. Mr. Sebra recalled when the land owners came in and got the rezoning request for M-1 and then had to apply for a conditional use permit which they ended up withdrawing the application because they knew the request was going to be denied.

Commission Member Bonner, referring to the acreage on a map, asked how much of it was for expansion.

Mr. Sebra replied that what was outlined in red was the property owned by the Town noting that the lines were not really accurate. Mr. Sebra estimated there was roughly 60 acres including the left over 4.9 acres lot in Tech Park. Mr. Sebra stated it was his thought that if they vacated all of the lines in the new property combining that parcel in Tech Park the boundary line could be adjusted when they subdivided and that particular lot would be more useable.

Chair Ludwig commented that made sense to her.

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Commission Member Bonner commented that it appeared that they were going to be right up against R-1 this time. Mr. Bonner added although there was the ravine.

Town Attorney Stamm advised that the ravine was really steep so therefore they wouldn't be but so close.

Mr. Sebra advised that the little green lines on the map were two foot contour lines and noted that it was really tight, compact, and steep on that side of the property which in his opinion would not be developed because of that reason and resource protection. Mr. Sebra stated that however they could be tucked right up to that and take advantage of the usable land on the other side. Mr. Sebra noted that there was a good buffer for the residential property. Mr. Sebra advised that to the south of the property was the Grace Hill development which did not have but one or two lots close to the Town's property. Mr. Sebra stated that there was only a little bit of residential property that had to be dealt with and the rest was already zoned M-1. Mr. Sebra advised that the property recently cleared on Harris Road just south of Tech Park Drive was for a business park and that land owners were currently trying to get approval for two entrances. Mr. Sebra added that the land owners were White Stone Land Partners and were the same ones who had wanted the petroleum storage facility Mr. Sebra added that at some point they would more than likely have that one parcel adjacent to the Town's property developed into some type of commercial use.

Council Liaison Bouslough pointed to the map and asked Mr. Sebra if the Town owned a certain parcel.

Mr. Sebra replied that was the parcel owned by White Stone Land Partners. Mr. Sebra stated that there was no way of knowing at the moment what they were really going to do with that parcel but advised that whole area would have some connectivity to it. Mr. Sebra said that the Town's water/sewer structure was already in place and would only have to be expanded.

Commission Member Gravatt asked Mr. Sebra if he was suggesting that Technology Park Drive be extended into the 13.2 acres.

Mr. Sebra replied that Technology Park Drive would come into the 13.2 acres. Mr. Sebra advised that at this point he could use the two foot contours to tell them how things would kind of go but it would take a surveyor to actually figure out where the exact lines were.

Commission Member Gravatt asked if the almost 5 acres already zoned M-1 was not feasible to use.

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Mr. Sebra replied that it was for a small building but commented that it had not been appealing to anyone who had already purchased land there because of a valley that made only a small portion of the lot useable.

Chair Ludwig stated that the way she saw things, even if all of the 13.2, 6.7, and 41.3 acres were combined there still wouldn't be that much land where anything could really be built on because of contours.

Mr. Sebra advised Chair Ludwig that the one thing she had to keep in mind was that the map showed two foot contours which made it look more dramatic than it really was. Mr. Sebra stated that he had walked some of the property and it was definitely buildable until he got down to the end which was steep. Mr. Sebra said that he had tried something that the Town used long ago which was to lay a film of paper over the map and sketch out where he thought things should go such as a nature trail or picnic area for employees. Mr. Sebra estimated that he thought they could get ten good lots out of it.

Chair Ludwig asked Mr. Sebra what he meant by nice and asked how many acres.

Mr. Sebra replied 4 or 5 and some even a little bigger.

Chair Ludwig responded by saying that was good.

Mr. Sebra advised that in order to know for sure they needed to get with a surveyor to start working on the property then they could see what they would actually get out of it. Mr. Sebra said that this was just to start the discussion on what they thought was best for this property. Mr. Sebra advised that the Tech Zone gave companies incentives that businesses in Town didn't get.

Commission Member Gardner asked Mr. Sebra if he had heard anything about the HUB Zone following the Census.

Mr. Sebra stated that the last he heard was that it was going away and asked Town Attorney Stamm if that was correct.

Town Attorney Stamm replied that it was.

Commission Member Gravatt advised that she missed the question asked by Commission Member Gardner.

Commission Member Bonner asked what HUB was.

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Commission Member Gardner stated that she had heard that as well. Ms. Gardner said that it was a tax exemption for historically under-utilized businesses or something like that.

Mr. Sebra replied that based on the 2010 Census data, the Town was no longer classified as a HUB zone and added that Town Manager Saunders was having conversations with persons in the political world to find out what was going on. Mr. Sebra stated that Jerry Davis with PDC was trying to figure some things out as well but in his opinion he thought it was just a dead end.

Commission Member Gardner stated that it could have an impact on recruiting businesses. Ms. Gardner asked if M-Tech had expanded a couple of times.

Mr. Sebra advised that M-Tech was a good example of a company that they liked having down Tech Park. Mr. Sebra said if there was more land available then they would probably take advantage of it.

Council Liaison Bouslough asked Commission Member Gardner what she had referred to earlier.

Commission Member Gardner replied HUB and explained that it gave tax incentives to businesses that relocated into areas that did not have a lot of economic development. Ms. Gardner stated that it was her understanding that M-Tech had been able to take advantage of those incentives.

Council Liaison Bouslough asked why it was ending.

Mr. Sebra stated that he thought it had to do with population.

Town Attorney Stamm added that it had to do with property evaluation and income as well. Mr. Stamm stated that Wal-Mart being in Town had shot a hole in all of that because their sales tax figures showed the Town to be a little wealthier than what it actually was.

Commission Member Bonner wanted to know who the Town could get to take a look at everything adding that the Town had spent a lot of money on consultants over the years. Mr. Bonner asked if somebody local could go down on the property, look around, and say where the road should go.

Mr. Sebra replied that he could do that to a certain extent.

Commission Member Bonner asked him if he could do that on the overlay that he had made.

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Mr. Sebra replied that he had already done it.

Commission Member Gardner asked Mr. Sebra if the property was rezoned how quickly did he see it being developed.

Mr. Sebra replied that the Planning Commission could move right along with the rezoning and added that it was actually a request by Council for them to take a look at it. Mr. Sebra stated that they could do that now but as far as moving forward with the subdivision and all, he really couldn't say.

Commission Member Gardner asked if this fell in line with the Capital Improvement Plan.

Mr. Sebra replied that it might but he didn't think it was in the budget.

Council Liaison Bouslough asked when the land was purchased.

Mr. Sebra replied that it was purchased approximately a year ago.

Chair Ludwig added for the purpose of expansion.

Council Liaison Bouslough asked what the discussion about the area was when it was being purchased. Mr. Bouslough asked if it was intended to be an extension of Tech Park.

Mr. Sebra replied that it was.

Council Liaison Bouslough said as if to clarify that at the time the property was purchased, it was purchased with the intention of expanding Tech Park.

Chair Ludwig replied that was correct.

Council Liaison Bouslough advised then it would only be logical to vote to rezone it as so in order to be consistent with Technology Park.

Town Attorney Stamm advised that Mr. Sebra did a wonderful job but from a legal stand point public hearings and all other requirements asked of anyone who wanted to rezone a piece of property still had to be met. Mr. Stamm said that the roads would eventually have to have engineering seals on them.

Commission Member Bonner suggested that each Planning Commission Member receive one of Mr. Sebra's overlay maps at the next meeting and then set up a public hearing.

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Mr. Sebra said that the Town would eventually have to spend some money on the property. Mr. Sebra commented that he had looked around for grant money but he didn't know if that was something that they really wanted to get into. Mr. Sebra said that the main thing for the Planning Commission to think about now was how to best use the property for what they saw coming in the future. Mr. Sebra asked if they wanted it to be all industrial or some commercial and added that was what they needed to think about. Mr. Sebra went over the list of industrial uses.

Commission Member Bonner thought that they could still have a plan without spending any money and when Council actually wanted to do this, it would be already be zoned and out of the Planning Commission's hands.

Chair Ludwig asked what would have to be done in order for M-Tech to expand.

Commission Member Bonner replied there would have to be a road, water/sewer and lights.

Council Liaison Bouslough asked where M-Tech was located on the map.

Mr. Sebra showed and explained the location to Mr. Bouslough.

There was general conversation held by multiple Planning Commission Members concerning the locations of the M-Tech buildings.

Commission Member Gravatt asked if it was zoned at all right now.

Mr. Sebra replied that the Town property was currently zoned R-1.

Commission Member Gravatt stated that if the Planning Commission discussed it and wanted to rezone it, would it be rezoned it to C-1. Mrs. Gravatt said that from what she had read C-1 was a big, old umbrella that pretty much covered it all.

Mr. Sebra advised that in his opinion all of it should be rezoned industrial and if the Planning Commission wanted to deviate from that then a small portion could be made C-1 to attract commercial uses.

Commission Member Gravatt stated that there was nothing listed in C-1 that would be offensive for that property, she didn't think.

Mr. Sebra replied that he didn't think they were going to get any box stores or anything like that.

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Commission Member Bonner advised that almost all of it had to be M-1.

Vice-Chair Reedy agreed.

Council Liaison Bouslough commented that was the idea when the land was purchased.

Commission Member Gravatt stated that M-1 would still allow for a wholesale bakery or a uniform manufacturer.

Mr. Sebra said that the only reason he even brought up C-1 was because it was for commercial establishments such as professional office buildings and stuff like that. Mr. Sebra used MD Associates as an example and said that they didn't need to advertise and be on Route 3 but would be better suited tucked away somewhere closer to the hospital.

Commission Member Bonner stated that they could go with M-1 and change a lot to C-1 if need be.

Vice-Chair Reedy agreed.

Commission Member Bonner asked Mr. Sebra if he would take another look at the property and would provide each Planning Commission Member with a copy of his overlay map with infrastructure at the next meeting which would be something that they could go to Council with. Mr. Bonner said then there would be something that the Planning Commission had gone over and presented to Council to have.

Chair Ludwig said that they could go ahead and rezone it.

Commission Member Bonner said that they should see the roads first.

Chair Ludwig asked why they would have to see the roads first because the lines would be removed, the land divided and then the roads could be put where they should go.

Commission Member Bonner said he would like to see Mr. Sebra do all of that before a public hearing in case the public wanted to know where the roads, lights, and fire hydrants were going to be.

Mr. Sebra advised that he could not get into that much detail. Mr. Sebra stated that was too far ahead. Mr. Sebra said that they should move forward with rezoning since everyone had pretty much expressed how they felt. Mr. Sebra advised there was the matter of putting together a subdivision plat.

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It was the general consensus of Kilmarnock Planning Commission to work toward rezoning the Town property in its entirety near Tech Park to M-1. The Planning Commission complimented Mr. Sebra on his map and Commission Member Bonner added that they were all proud of him.

Mr. Sebra stated that he would set up a public hearing for the next meeting and noted that it would then go to Council for public hearing.

Town Attorney Stamm reminded Mr. Sebra that the Rappahannock Record did not put out a paper the last week in December.

Commission Member Bonner wanted to know if everything the Town put in the Rappahannock Record was also put into the Northern Neck News.

Mr. Sebra was not sure.

Commission Member Bonner asked Mr. Sebra to make sure that it was because it should be that way.

Mr. Sebra stated that normally when there was going to be a public hearing he sent an email to all of the media.

B. Zoning Log Report

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

9. Adjournment

Vice-Chair Reedy wished everyone a Merry Christmas and happy holiday.

Commission Member Bonner said that he seconded that.

Action: Commission Member Bonner made the motion to adjourn, seconded by Commission Member Gardner; and carried unanimously.

Meeting adjourned at 6:35 PM

Prepared by:

December 12, 2011

Joan N. Kent

Jane Ludwig, Chair