

TOWN OF WINDSOR
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PLANNING COMMISSION MEETING AGENDA
January 22, 2020
7:00 p.m.

1. Call to Order
 - a) Welcome
 - b) Roll Call
2. Public Comments
3. Approval of the Minutes of the October 23, 2019 Planning Commission Meeting (1)
4. Public Hearing (2)
 - a) Conditional Use Permit - Reba's Gaming Parlor
 - 1) Open public hearing
 - 2) Persons in favor
 - 3) Persons in opposition
 - 4) Close public hearing
 - 5) Discussion
5. Town Attorney's Report
6. Economic Development Authority (EDA)
7. Old or Unfinished Business
8. New Business
9. Next Regular Meeting - February 26, 2020
10. Motion to Adjourn

MINUTES OF THE PLANNING COMMISSION – WINDSOR, VIRGINIA

The Planning Commission met on Wednesday, October 23, 2019 at 7:00 p.m. in the Town of Windsor Council Chamber. Vice Chairman Stubbs called the meeting to order and welcomed all who were present. Terry Whitehead, Town Clerk, recorded the minutes. Ben Sullivan, Planning & Zoning Administrator, and Fred Taylor, Town Attorney, were present. Mrs. Whitehead called the roll.

Planning Commission members present: Leonard L. Marshall, Chairman - absent
George Stubbs, Vice Chairman
Devon Hewitt
Edward Lynch - absent
Dale Scott
Jesse Taylor - absent
Larissa Williams

MINUTES

Vice Chairman Stubbs asked if there were any amendments to the minutes of the September 25, 2019 regular Planning Commission meeting.

Commissioner Hewitt made a motion to approve the minutes as presented. Commissioner Scott seconded the motion, and the Commission unanimously passed the motion as recorded on the attached chart as motion #1.

PUBLIC HEARING

None

ASHDON BUILDERS PHASE 2 APPLICATION AND SITE PLAN

Brian Layne, Land Surveyor and representative for Ashdon Builders, said the developer is seeking to initiate phase 2 of the Holland Meadows development. He said the subdivision site plan is before the Planning Commission for review and for recommendation for approval. He said the site plan has been reviewed by Isle of Wight County and by VDOT, and their concerns have been addressed. Mr. Layne said he would be glad to answer any questions.

Vice Chairman Stubbs expressed concerns with number 14 under the notes on the site plan which stated that "All drainage easements shall be maintained by the homeowners association."

Mr. Layne said the developer was requested by Isle of Wight County and by VDOT to pass on the maintenance of the storm water pond to the homeowners association (HOA) in order to gain approval.

Commissioner Williams asked would there be litigation if the HOA refused to maintain the drainage easements.

Mr. Taylor explained that if the Town had to step in due to the HOA not being in compliance with the agreement, then there could be litigation between the Town and the HOA.

Mr. Layne said the HOA documents define what is being maintained, and homeowners are aware of their duties and obligations.

Mr. Sullivan said the development will include 44 new homes on approximately .5 acres each. He said Phase 2 has complied with the subdivision ordinance from the Town and has complied with all comments provided by VDOT and Isle of Wight County. He said Isle of Wight manages storm water; therefore, he is somewhat certain that the County would step in if the HOA did not fulfill their obligations, and the Town would serve as a mediator.

Planning Commission discussed the Mobile Home Park zoning classification of Holland Meadows in order to increase density for the subdivision. Mr. Layne explained that there are proffered conditions stating that it will not be used for a mobile home park.

After further discussion, Commissioner Scott made a motion to approve the subdivision site plan for Holland Meadows Phase 2 as presented. Commissioner Williams seconded the motion, and the Commission unanimously approved the motion as recorded on the attached chart as motion #2.

Commissioner Scott questioned if Phase 1 has the same HOA provision regarding drainage easements as Phase 2. Mr. Sullivan said he would have to research that information and report back to Planning Commission.

Vice Chairman Stubbs requested a copy of the HOA documents for Holland Meadows. Mr. Sullivan said he would request a copy of the HOA documents for Planning Commission's review.

TOWN ATTORNEY'S REPORT

None

ECONOMIC DEVELOPMENT AUTHORITY - EDA

None

OTHER REPORTS

Commissioner Hewitt reported a barn located at a home on Bank Street that seems to be close to collapsing. He suggested that Mr. Sullivan take a look at the barn for safety purposes to see if it is possibly in violation. Mr. Sullivan said he would check into this matter.

OLD OR UNFINISHED BUSINESS

None

NEW BUSINESS

None

ADJOURNMENT

Vice Chairman Stubbs stated that the next Planning Commission meeting is scheduled for November 20, 2019.

There being no further business, Commissioner Scott made the motion to adjourn. Commissioner Hewitt seconded the motion, and the Commission unanimously approved the motion as recorded on the attached chart as motion #3.

The meeting adjourned at 7:45 p.m.

George Stubbs, Vice Chairman

Terry Whitehead, Town Clerk

TOWN OF WINDSOR
RECORD OF
PLANNING COMMISSION VOTES

Commission Meeting Date October 23, 2019

Motion #	G. Stubbs	E. Lynch	L. Marshall	L. Williams	D. Hewitt	D. Scott	J. Taylor
		<i>absent</i>	<i>absent</i>				<i>absent</i>
1	<i>y</i>			<i>y</i>	<i>y</i>	<i>y</i>	
2	<i>y</i>			<i>y</i>	<i>y</i>	<i>y</i>	
3	<i>y</i>			<i>y</i>	<i>y</i>	<i>y</i>	
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Jerry Whitehead, Clerk

Staff Summary
Date 1/15/2020

Applicant: Tony Blackley
1101 Panola Street
Tarboro, NC 27886

Owner: Vincent Carollo
1807 S. Church St Suite 200A
Smithfield, VA 23430

Property Location: 15 East Windsor Blvd, Windsor VA 23487

Tax Map Number(s): 54B-01-183

Application: Applicant wishes to open an electronic gambling establishment

Statistical Data:

Property size: 0.6385 acres

Current Zoning: B-1 Business General

Existing Land Use: Vacant

Proposed Use: Amusement Center

Surrounding Land Uses: Public (emergency services) and business

Comprehensive Plan: General business

Project Overview

The applicant wishes to establish their business, Reba's Gaming Parlor, at 15 East Windsor Blvd. Reba's is a gambling establishment that will only use Electronic Gaming Machines (EGM) and provide no table games. No alcohol will be served at the premise and will provide staff for security.

Staff Opinion

Staff drew from "The Social and Economic Impacts of Gambling" by Dr. Robert Williams and Dr. Jurgen Rehm, a meta study on the subject, to identify how Reba's Gaming Parlor would affect Windsor and what conditions it would need to meet to be a benefit to the Town.

It is possible for Reba's Gaming Parlor to be a net positive to Windsor if it can meet certain criteria. Reba's must become a destination location that draws new customers, and bring in enough revenue to cover the additional cost of governmental services to mitigate the negative impacts of gambling businesses and the additional regulatory cost. If it cannot meet these criteria, then it is the staff opinion that Planning Commission not recommend this application for approval.

Reba's Gaming Parlor can be considered a destination location if it can attract new customers to Windsor without substantially detracting from existing businesses. If it only draws from the existing customer base, then it will not add to government revenue and will divert consumers away from existing businesses.

There are several factors that will influence this: what is the demand for this type of leisure activity in the region, how much competition will the location have, and is there enough customers willing to travel to Reba's.

Reba's ability to bring in enough revenue to cover the increase in social cost depends on the same criteria as mentioned above.

The social cost that Windsor can expect an increase of are: crimes related to gambling including illicit activities that problem gamblers use to fund their habit, robberies at or around Reba's, increased traffic along 460, and increase in bankruptcies and divorce rates. While gambling does not itself cause bankruptcies and divorces, they add additional pressure to those who are already near them.

The Town can expect that the impacts will be strongest within the first few years of Reba's opening, but they will lessen over time.

There is also the issue that allowing gambling could exacerbate the gap between Windsor's poor, middle, and wealthy population. While middle and higher income populations make up the

majority of a gambling establishment's annual revenue, low income people spend a disproportionate amount of their income there.

Below are the questions and answers from the application submitted by the applicant:

1. Describe the effect of this request on adjacent properties, the neighborhood, and the Town in general. Include information concerning effects on public schools, traffic, existing and future developments, public utilities, etc.
 - a. *It will not harm anyone or anything in the community; more or less it will give back to the small business in the community.*
2. Describe any noise, odor or traffic that the proposed Conditional Use will create or generate, and what measures are being taken to mitigate or minimize its adverse effects.
 - a. *There will be a security officer on duty that will remove any trouble on property.*
3. Describe any existing Zoning Permits, Conditional Use Permits or Variances previously granted for this property.
 - a. *Conditional use permit, business license permit.*
4. Is this request in general accord with the current Town of Windsor Comprehensive plan
 - a. *Yes*
5. If the property is vacant or if new structures are envisioned, what types (and sizes) of structures and how many such structures will be constructed for this Conditional Use Permit.
 - a. *No new structures*
6. Number of Parking Spaces Required and how many being provided?
 - a.
7. Are there Chesapeake Bay Resource Protection Areas on the property?
 - a. *No*
8. Was a Traffic Impact Analysis required for this request
 - a. *No*
9. Are there adequate water and sewer facilities to serve the proposed use that would follow this rezoning
 - a. *Yes*
10. What are the properties zoned, and what is the use of the properties on the land adjacent to the subject property
 - a. *North and South and West, B-1 and Commercial*
 - b. *East Public, emergency services*

To summarize, gambling businesses can be an economic benefit to Windsor if it does not detract from existing businesses, and it can bring the Town enough revenue to cover the additional economic and social burdens that come along with such an industry. Reba's Gaming Parlor must demonstrate it can do that.