

**TOWN OF WINDSOR  
PLANNING COMMISSION  
TOWN COUNCIL CHAMBER  
8 EAST WINDSOR BOULEVARD  
WINDSOR VIRGINIA**

**REGULAR MEETING  
WEDNESDAY SEPTEMBER 23, 2015  
7:00 p.m.**

1. **CALL TO ORDER**
  - A) **WELCOME AND CALL TO ORDER**
  - B) **ROLL CALL**
2. **APPROVAL OF MINUTES OF THE AUGUST 26, 2015 JOINT WORK SESSION WITH TOWN COUNCIL AND REGULAR PLANNING COMMISSION MEETING (1)**
3. **PUBLIC HEARING ON THE DRAFT ZONING MAP (2)**

**Staff Comments:** Please see the attached Staff Report.
4. **REPORT FROM THE TOWN ATTORNEY**
5. **REPORT FROM ECONOMIC DEVELOPMENT AUTHORITY**
6. **PLANNING AND ZONING STAFF REPORT FOR AUGUST 2015 (3)**
7. **WORK-SESSION ON THE "OLDE TOWN" COMPONENT OF THE COMPREHENSIVE PLAN- COURT STREET (4)**
8. **ANY OTHER NEW BUSINESS**
9. **NEXT REGULAR MEETING - OCTOBER 28, 2015**
10. **MOTION TO ADJOURN**

## MINUTES OF THE PLANNING COMMISSION – TOWN COUNCIL JOINT WORK SESSION AND REGULAR PLANNING COMMISSION MEETING – WINDSOR, VIRGINIA

The Planning Commission and Town Council met in a joint work session on Wednesday, August 26, 2015 at 6:00 p.m. in the Council Chamber with the regular Planning Commission meeting to follow at 7:00 p.m. Vice Chairman Marshall of the Planning Commission called the meeting to order. He welcomed those who were present. Terry Whitehead, Town Clerk, recorded the minutes. Michael Stallings, Town Manager, Dennis Carney, Planning and Zoning Administrator, and Wallace W. Brittle, Jr., Town Attorney, were present. Mrs. Whitehead called the roll for Planning Commission.

Planning Commission members present: Leonard L. Marshall, Jr., Vice Chairman  
N. Macon Edwards, III  
Mike Jones  
George Stubbs  
Glyn Willis

Planning Commission members absent: Bennie Brown, Chairman  
Debra D. Hicks

Mayor Carita J. Richardson opened the meeting for Town Council. She asked Mrs. Whitehead to call the roll for Town Council.

Council members present: Carita J. Richardson, Mayor  
J. Clinton Bryant  
N. Macon Edwards, III  
Durwood Scott  
Patty Flemming  
Tony Ambrose

Council member absent: Greg Willis

### **Draft Land Development Ordinance for Joint Work Session**

Mr. Carney stated that in the fall of 2010, the Planning Commission began work on revising the Land Development Ordinance. It was felt that the existing Ordinance did not follow a coherent pattern because of incremental changes that had been made to it and amendments in the Code of Virginia. Numerous work sessions were held with the Commission on changes that should be made. Mr. Carney reported that a joint work session was held with Town Council in the fall of 2011. At that meeting, Town Council agreed with the Draft Ordinance overall, but some relatively minor changes were suggested, as well as some wording and grammatical revisions. From that time until now, the revisions have been at the Staff level.

Mr. Carney reported that in the site-plan process and the subdivision process, much care was given to creating more aesthetically pleasing development and the installation, where applicable, by the developer of infrastructure (sidewalks, streets,

etc.). He said the General Assembly this year amended the Board of Appeals section on variances. These changes were incorporated into the Draft Ordinance. He also explained that recent experiences with bee keeping have caused the decision to liberalize this land use to be modified to restrict its use to the Low Density Residential and Agricultural Districts. Mr. Carney reported that the Town also adopted some storage amendments and sign amendments to the Ordinance during the period in which this was being reviewed, which have also been incorporated into the proposed Draft Ordinance.

Mr. Carney reviewed the synopsis of the proposed Ordinance that was in his Staff report.

Mr. Carney reported that a public hearing was held by the Commission on the Land Development Ordinance Zoning Map, and the map was recommended for approval by the Commission in November 2011. He explained that because of problems with the current Ordinance regarding the Public District, the Draft Zoning Map has been delayed. He stated that with some decisions that will be made by the Commission later tonight, corrections can be made to it, and the map can move forward in conjunction with the Land Development Ordinance. Mr. Carney reported that Planning Commission voted unanimously to recommend approval of the Draft Zoning Ordinance at their meeting in July 2015.

There was a brief discussion as to whether a definition of a "Truck stop", which Mr. Carney had provided, should be added to the "Definition" section and where such a land use should be permitted as a conditional use permit. Councilman Edwards suggested that a truck stop should not be in the Industrial District due to safety issues with the general public entering the location as a more commercial function. Planning Commission and Council agreed that it should be listed in the B-1 and M-2 Districts as a conditional use permit due to the intensity of this use. Several other minor non-substantial changes were also made to the ordinance. After further discussion, it was agreed that once the companion Zoning Map was corrected and recommended for approval by the Planning Commission, if possible, Town Council would hold a public hearing on both matters at its October 13<sup>th</sup> meeting.

Commissioner Stubbs made a motion to close the joint work session. Commissioner Jones seconded, and Planning Commission unanimously passed the motion as recorded on the attached chart as motion #1.

Councilwoman Flemming made a motion for Council to go into closed session pursuant to Virginia Code Section 2.2-3711, A-3 discussion or consideration of the acquisition of real property for a public purpose, or a disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. Councilman Scott seconded.

Due to the need for Councilman Scott to recuse himself from the real estate closed session due to potential conflict of interest, both the motion and second were withdrawn. Councilwoman Flemming again made the aforementioned motion. Councilman Edwards seconded the motion which passed unanimously with Councilman Scott abstaining. Then Town Council moved to a closed session.

Vice Chairman Marshall adjourned the joint work session at 6:55 p.m.

Vice Chairman Marshall then reconvened to the regular meeting at 7:00 p.m.

Commissioner Edwards, who is the Town Council representative, was absent due to his attendance of the closed session with Town Council from the previous meeting.

## **MINUTES**

Vice Chairman Marshall asked if there were any amendments to the minutes of the July 22, 2015 regular Planning Commission meeting. There being none, Commissioner Willis made a motion to approve the minutes as presented. Commissioner Jones seconded the motion, and the Commission unanimously passed the motion as recorded on the attached chart as motion #1.

## **DISCUSSION ON THE AMENDMENTS TO THE DRAFT ZONING MAP REGARDING THE PUBLIC DISTRICT PARCELS**

Planning Commission reviewed all of the P Public Districts and recommended a series of changes to be placed on the proposed Draft Zoning Map as recommended by Mr. Carney. After further discussion, Commissioner Jones made a motion to have the recommended changes made to the Draft Zoning Map and hold a public hearing at the earliest possible date after the Zoning Map was corrected with the aforementioned changes. Commissioner Stubbs seconded the motion, and the Commission unanimously passed the motion as recorded on the attached chart as motion #2.

## **REPORT FROM THE TOWN ATTORNEY**

None

## **REPORT FROM ECONOMIC DEVELOPMENT AUTHORITY**

Commissioner Stubbs reported that the Country Boy's Barbeque restaurant portion is closing, but they are planning to use the building for their catering business. He also noted that he has received many positive comments regarding the Anytime Fitness being open 24 hours a day due to having a key pad entry system. Mr. Carney pointed out that the Itly's restaurant had a very good grand opening.

## **PLANNING AND ZONING STAFF REPORT FOR FY 2014-2015**

Mr. Carney gave a brief review of Planning and Zoning activities for the month of July, 2015. He explained that there were five new zoning permits in the month. The permits included a new single family home, a double wide manufactured home (replacing a single wide), a new replacement single wide manufactured home, a swimming pool and a deck. He added that there were seven new violations added. Five of these cases were for inoperative motor vehicles and two were for junk and trash.

**DISCUSSION ON SETTING OF WORK SESSION ON THE COMPREHENSIVE PLAN**

Mr. Carney recommended having another work session on the Olde Town Windsor concept in conjunction with the September 15, 2015 regular Planning Commission meeting or at a future meeting. After discussion, Planning Commission agreed with this recommendation.

**NEW BUSINESS**

None

**ADJOURNMENT**

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

The meeting adjourned at 7:15 p.m.

\_\_\_\_\_  
Leonard L. Marshall, Jr., Vice Chairman

\_\_\_\_\_  
Carita J. Richardson, Mayor  
(Joint Work Session- Town Council)

\_\_\_\_\_  
Terry Whitehead, Town Clerk

TOWN OF WINDSOR  
RECORD OF  
PLANNING COMMISSION VOTES

6:00pm

Commission Meeting Date August 26, 2015 PC + Council Joint Mtg.

Motion #	G. Willis	M. Jones	B. Brown	N. Edwards	L. Marshall	G. Stubbs	D. Hicks
			Absent				Absent
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Jerry Whitehead, Clerk

TOWN OF WINDSOR  
RECORD OF  
PLANNING COMMISSION VOTES

Commission Meeting Date August 26, 2015 7:00 pm

Motion #	G. Willis	M. Jones	B. Brown	N. Edwards	L. Marshall	G. Stubbs	D. Hicks
				Absent			
1	Y	Y	Y		Y	Y	Y
2	Y	Y	Y		Y	Y	Y
3	Y	Y	Y		Y	Y	Y
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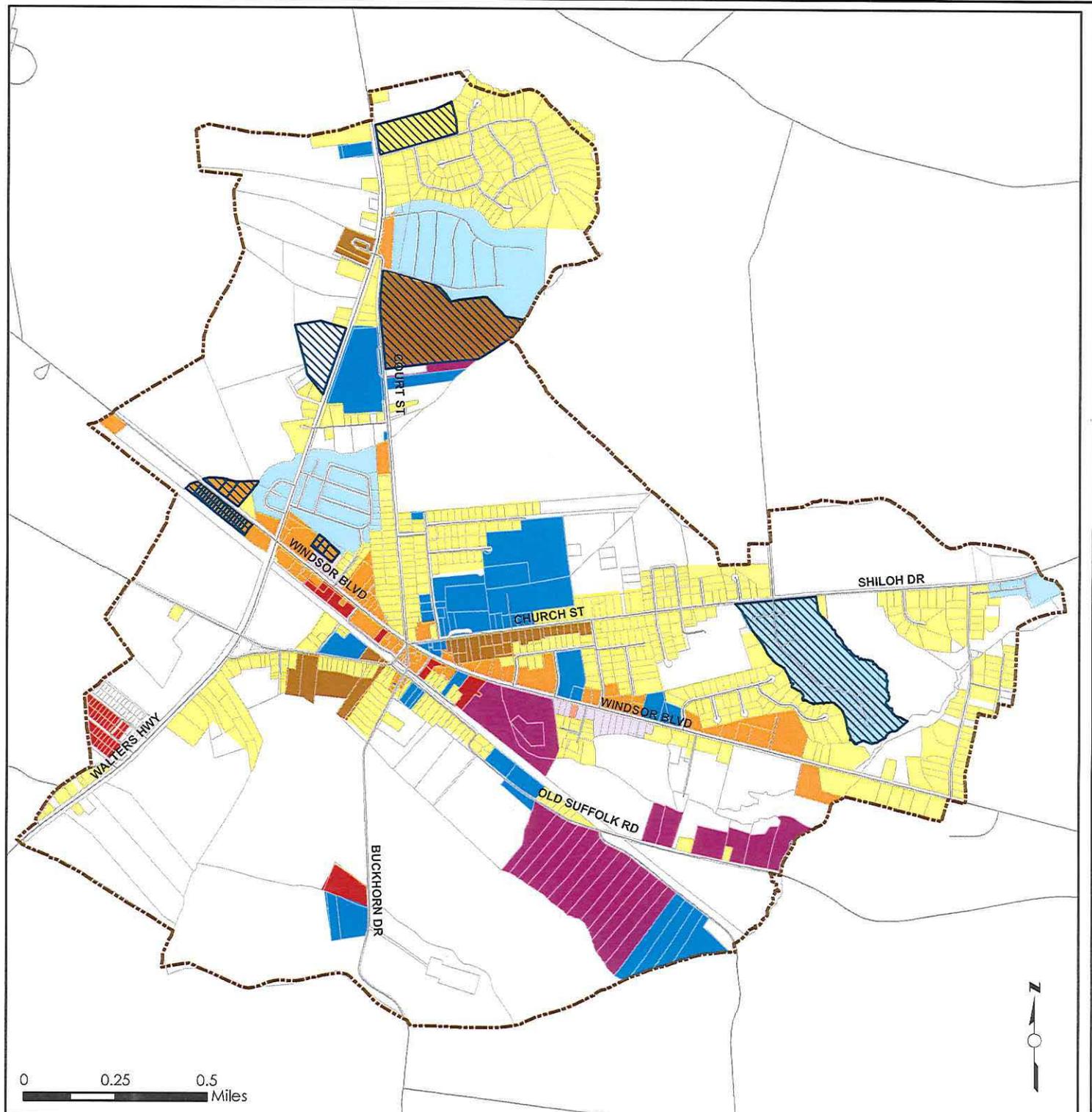
Jerry Whitehead, Clerk

# Town of Windsor Comprehensive Plan

## Map 7-2

### Zoning Districts

-  Town of Windsor Boundary
-  Parcels
-  Roads
-  A-1
-  B-1
-  B-2
-  M-1
-  P
-  R-1
-  MHP
-  HDR
-  O-R
-  LDR
-  Conditional Zoning



# TOWN OF WINDSOR

Town Elected Officials  
Carita J. Richardson, Mayor  
Clint Bryant, Vice Mayor  
Durwood V. Scott  
Greg Willis  
N. Macon Edwards, III  
Patty Fleming  
Tony Ambrose



Established 1902

Town Manager  
Michael R. Stallings, Jr.

Town Clerk  
Terry Whitehead

Town Attorney  
Wallace W. Brittle, Jr.

September 14, 2015

Memorandum

To: Planning Commission Members

From: Dennis W. Carney, Planning and Zoning Administrator

**Subject: Draft Land Development Map for September 23, 2015 Public Hearing**

At the July meeting, the Land Development Ordinance was recommended to Town Council for approval. Due to the unique way in which the current Land Development is written in regards to the Public (P) District, the Draft Zoning Map was held up to make any corrections as to what the correct zoning should be for these parcels. At the August meeting, the Planning Commission reviewed all of the P Public Districts and recommended a series of changes to be placed on the proposed Draft Zoning Map for the September 23, 2015 Public Hearing. There were no other concerns voiced regarding the Draft Zoning Map at either the July public hearing or the regular August meeting. The revisions have been duly made and are in the packet for this public hearing. The memo on this issue from the August meeting is again included in this packet to refresh everyone's memory on the changes to the earlier Map. We greatly appreciated the assistance of Mrs. Sara Kidd of the Hampton Roads Planning District Commission in so promptly and accurately making the revisions to the Draft Zoning Map.

The public hearing has been properly advertised. As of the date of this writing Staff has not received any comments. Staff recommends that the Commission recommend approval to Town Council. This will permit Council to hold public hearings at their October 13, 2015 meeting on the Draft Land Development Ordinance and Draft Zoning Map. When approved, this will be the culmination of a long process on the Ordinance and put in place some much needed revisions.

# TOWN OF WINDSOR

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Established 1902

Town Manager  
Michael R. Stallings, Jr.

Town Clerk  
Terry Whitehead

Town Attorney  
Wallace W. Brittle, Jr.

August 10, 2015

Memorandum

To: Planning Commission Members

From: Dennis W. Carney, Planning and Zoning Administrator

**Subject: Proposed Draft Zoning Map for Land Development Ordinance**

At the July meeting, the Land Development Ordinance was recommended for approval to the Town Council. Due to the unique way in which the current Land Development is written in regards to the Public (P) District, the old Ordinance had a questionable practice of automatically making a parcel be zoned P when it was acquired by a public entity. The section reads as follows;

“Section 160-31.1(B) (4) Any property purchased by or donated to a governmental entity upon acceptance shall automatically be classified Public.”

Although this has been corrected in the new Land Development Ordinance, there were several parcels that had become publicly owned that were actually proposed for non-public use. Staff discussed the best way to remedy this situation and found that after the Planning Commission reviewed the parcels, a second public hearing with the parcels corrected was scheduled. It could then be sent with the Commission's approval to Town Council for consideration with the Land Development Ordinance. At the July meeting, there were several specific areas that had questions. Because of this Staff looked at all P Public zoned properties or that in theory became public under the questionable current Ordinance. Most of the following recommendations continue the current map. But because they are currently shown as P public they are discussed below.

Staff makes the following recommendations on these properties

1. Properties where the Fire Department and Rescue Squad are housed on Windsor Boulevard should continue to be zoned P. The small building on N & W Street for broad-band is on the Rescue Squad Property and there are no other properties that are part of the Rescue Squad facility. The other parcels to the east on N & W Street are not part of the facility and are correct as shown. The parcel beside the Fire Department property at the entrance to Hidden acres (west side) is

owned by Isle of Wight County and was ostensibly to be used for a larger Fire and Rescue facility. Previously it had been shown as B-1 Business. It is Staff's belief that the Fire Station, Rescue Squad and the potential Fire and Rescue Squad location should be designated as P Public.

2. The properties owned by the Isle of Wight School Board on North Court Street (both sides) and Duke and Church Streets should remain public.

3. The properties on Tyler Drive owned by Virginia Beach for the Lake Gaston Pipeline should remain P Public.

4. The property where the Library is located should remain public.

5. The VDOT facility on Buckhorn Road should remain public.

6. There are two small parcels that had been at southeast corner of South Court and Griffin Street that previously had been shown as Business but had been acquired by Isle of Wight County for taxes and would have become public under our unique current Ordinance. It is suggested that it continue to be shown as B-1 Business. Any other parcels within the Town that were taken for taxes should remain in their previous zoning.

7. Town Hall, the Post Office parcel on Windsor Boulevard, the two Town maintenance locations on Duke Street, the water tower sites on the north side of U.S. Route 258 and Griffin Street all should remain public. The cemetery sites (both sides of Old Suffolk Road) should remain public. The property on Windsor Boulevard where the Police Station and proposed site for a new Town Hall that was acquired several years ago, should be designated P public.

8. The lots that the Town acquired on the north and south sides of Windsor Boulevard to the west of U.S. Route 258 had been zoned prior to their acquisition as B-1 Business. These should continue in be zoned Business with the previous conditions.

9. The lots that the Town acquired on the north side of Bank Street adjacent to B Avenue and the Railroad had been zoned R-2 Residential prior to its acquisition. Due to its potential for several public uses, it is suggested that it be designated public.

As of this writing the Zoning Maps have not been amended with these changes. If the Commission is in agreement with the above recommendations, Staff will have them corrected as necessary and a second public hearing be set for your September meeting. If you have any questions regarding the process or the proposed corrections, please contact me.

# TOWN OF WINDSOR

Town Elected Officials  
 Carita J. Richardson, Mayor  
 Clint Bryant-Vice Mayor  
 Durwood V. Scott  
 Greg Willis  
 N. Macon Edwards, III  
 Patty Fleming  
 Tony Ambrose



Established 1902

September 1, 2015

Town Manager  
 Michael R. Stallings, Jr.

Town Clerk  
 Terry Whitehead

Town Attorney  
 Wallace W. Brittle, Jr.

## Memorandum

**To: Michael Stallings, Town Manager  
 Mayor and Town Council  
 Planning Commission**

**From: Dennis W. Carney, Planning and Zoning Administrator**

**Subject: August 2015 Planning and Zoning Report**

**Zoning Permits:** The number of Zoning Permits held steady at five for the month of August (the same as July). This is much less than the ten permits in August of 2014. Although the total number of permits is down, there were two more permits for single family homes. Half of the Zoning Permits for FY 2015-2016 have been for single family homes. Also on a positive note, there was a new dance studio replacing a vacant studio, a home occupation for a parts delivery business (no equipment or parts at their home) and a carport.

**Violations:** There were seven new violations in August. Five were for inoperative motor vehicles, one for a minor tall grass and a sign violation. There were also seven violation cases resolved. There were six inoperative motor vehicle cases and the aforementioned tall grass case resolved in the month.

**Planning Commission Activity:** The Planning Commission and Town Council held a joint work-session on the Land Development Ordinance. There were some minor non-substantial changes to the Ordinance and it was agreed that once the companion Zoning Map was corrected that Town Council would hold a public hearing on both matters. Later that evening the Commission reviewed the areas that had become "P Public" and advised Staff as to their delineation on the Zoning Map. Staff has had the changes made to the Zoning Map and a public hearing on this matter has been set for the regular Planning Commission meeting of September 23, 2015. If all goes well, Town Council will be able to hold their public hearing on the Land Development Ordinance and Zoning Map at its October 13<sup>th</sup> meeting.

**Other:** There are several activities such as the Land Development Ordinance that are moving towards closure. With these, the summer can be viewed as very positive for Planning in the Town.

# MONTHLY REPORT PLANNING & ZONING

August 2015

	<u>August</u>	<u>FYTD</u>
<b>Number of Zoning Permits Issued:</b>	<b>5</b>	<b>10</b>
Residential New Construction:	2	5
Commercial New Construction:	0	0
Building Additions:	0	0
Accessory Buildings:	1	1
Signs:		
Temporary:	0	0
Permanent:	0	0
Fences:	0	0
Pools:	0	1
Decks:	0	1
Driveways:	0	0
Other:	2	2
<b>Notices of Violation:</b>	<b>7**</b>	<b>14**</b>
Inoperative vehicles:	5	10
Tall grass:	1	1
Signs:	1	1
Other:	0	2
<b>Number of Violation Cases Resolved:</b>	<b>7*</b>	<b>22**</b>
Inoperative vehicles:	6	15
Tall grass:	1	4
Sign	0	0
Other:	0	2

A list of addresses and tax map numbers for the permits and violations are available at the Town Office.

\*Some Zoning Permits include several accessory items but are delineated by item on this report.

\*\*The discrepancy between the number of types and the total numbers of violations reflect that some violations notices cite two or more violations

# North Court Street

Existing Conditions

















