

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

**JOINT WORK SESSION WITH TOWN COUNCIL AGENDA
WEDNESDAY, AUGUST 26, 2015
6:00 p.m.***

1. **CALL TO ORDER**
 - A) **WELCOME AND CALL TO ORDER FOR THE PLANNING COMMISSION BY CHAIRMAN BROWN**
 - B) **ROLL CALL OF PLANNING COMMISSION MEMBERS**
 - C) **WELCOME AND CALL TO ORDER OF TOWN COUNCIL BY HON. MAYOR RICHARDSON**
 - D) **ROLL CALL OF TOWN COUNCIL**

2. **WORK SESSION ON THE DRAFT LAND DEVELOPMENT ORDINANCE****

**PLANNING COMMISSION REGULAR MEETING AGENDA
7:00 p.m.**

3. **MINUTES - APPROVAL OF MINUTES OF THE JULY 22, 2015 REGULAR MEETING (1)**
4. **DISCUSSION ON THE AMENDMENTS TO THE DRAFT ZONING MAP REGARDING THE PUBLIC DISTRICT PARCELS (2)**
5. **UPDATE ON THE STATUS OF THE REVISED U.S ROUTE 460 BYPASS PROJECT (3)**
6. **REPORT FROM THE TOWN ATTORNEY**
7. **REPORT FROM ECONOMIC DEVELOPMENT AUTHORITY**
8. **PLANNING AND ZONING STAFF REPORT FOR JULY 2015 (4)**
9. **DISCUSSION ON SETTING OF WORK-SESSION ON THE COMPREHENSIVE PLAN**
10. **ANY OTHER NEW BUSINESS**
11. **NEXT REGULAR MEETING - SEPTEMBER 23, 2015**
12. **MOTION TO ADJOURN**

* The Town will provide a light meal prior to the work-session at approximately 5:45 p.m. So if possible, Commission members should try to arrive at that time.

** The Draft Land Development Ordinance was provided at the last meeting of the Planning Commission and Town Council. If anyone needs a copy of the Ordinance, please contact Staff prior to the meeting.

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.

August 12, 2015

Memorandum

To: Planning Commission Members
Hon. Mayor and Town Council

From: Dennis W. Carney, Planning and Zoning Administrator

Subject: Draft Land Development Ordinance for Joint Work-session

ISSUE: 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. There followed numerous work-sessions with the Commission on changes that should be made. 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, grammatical and punctuation questions. From that time until now, the revisions have been at the Staff level.

FACTS: Most of the changes in the Draft Land Development Ordinance have been non-substantive. Punctuation or a different wording to the original language are all that was performed. Particularly in the site-plan process and the Subdivision process, much care was given to leading to more aesthetically pleasing development and the provision where applicable by the developer of infrastructure (sidewalks, streets, etc.). The General Assembly this year amended the Board of Appeals section on variances. These changes were incorporated into the Draft Ordinance. The Commission should note 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. The Town also adopted some storage amendments and sign amendments to the Ordinance during the period in which this was being reviewed. These also have been incorporated into the proposed Draft Ordinance.

A public hearing was actually held by the Commission on the Land Development Map and was approved by the Commission in November 2011. Due to the nature of the current Ordinance for the Public District, the Draft Zoning Map has been delayed and with some decisions that will be made by the Commission later tonight corrections can be made to it. The Planning Commission has voted unanimously to recommend approval of the Draft Zoning Ordinance.

The following is a synopsis of the proposed Ordinance and the major substantive changes between it and the present Ordinance.

Article I Legal Basis and General Administration: This section deals with items that pertain to the legal basis for implementing this type of Ordinance and common elements that pertain to the Ordinance in general or to both the Zoning and Subdivision sections. A major part of the section is definitions. They have been reviewed. Some were removed if they were not referenced elsewhere within the Ordinance. Others were updated or clarified. Finally some definitions were added such as Farm Animals in order to effectively implement the Ordinance. The duties and responsibilities of the various boards are described and spelled out as well as the Ordinance Amendment process. A section was added to insure that real property taxes had been paid and made up to date before the land could be rezoned, a conditional permit applied for, or the land subdivided.

Article II Zoning: The Zoning section first goes through the types of uses and structures and gives the basic enabling information for the Zoning Map and other general provisions. It describes the Zoning Permit process and non-conforming lots, uses and structures. Conditional Zoning and Conditional Uses are then described.

Next is the largest section of the Ordinance dealing with the various zoning districts. The major change here is the renaming of the districts. R-1 remains the same, however R-2 becomes the HDR High Density Residential District and R-1-MHP becomes the MHP, R-3 becomes O-R Office-Residential because of its transitional nature, and R-4 becomes the LDR Low Density Residential District. It was felt that these titles better describe the districts rather than the previous numerical scale which was confusing because density didn't go up or down in any clear pattern. It is noted that the R1-E Residential Estate District in the current Ordinance has been removed because it hadn't been used and no properties had that zoning. The agricultural, public, business and industrial districts kept their current names.

The proposed new district is a PUD Planned Unit Development District. It is a novel approach for anyone who wishes to put in place a mixed use development (residential, commercial and/or industrial), following a basic set of design criteria, the applicant could proffer the mix of uses, their location in patterns that the Town may want. They would require much Staff work and maximum oversight by Council but could be very good projects for the Town because of the coordination with the Town's plans and wishes. There may not be many of these but they could provide the flexibility necessary to secure good mixed use developments.

For each of the Zoning Districts, an exhaustive review was given to ensure that the permitted and conditional uses were listed in a comprehensive fashion. As you are aware in a Zoning Ordinance if it is not listed, it is generally not permitted. For this reason, a very thorough list of uses was added. Some we will never have (fortunately or unfortunately), but we will know how to deal with them if they ever arise. This is

particularly true for the P-1, B-1 and M-1 Districts where the list was strengthened greatly.

The Sign section was reorganized. Exempt, permitted, and conditional use signs were grouped into easy to find categories. Prohibited signs are also grouped together. Some signs were exempted from permits for public agencies, semi-public agencies and charitable events and auctions uses which are event driven; this is for ease of administration and basic fairness. The recent amendments liberalizing temporary signs have been added.

Setbacks and lot sizes follow in a grouped section with a chart and a section dealing with miscellaneous area requirements follow the chart. The parking and loading space requirements sections were then grouped together after that.

A major new section deals with Site Plan Review. The Ordinance envisions for business and industry adjacent to U.S. Route 460 and U.S. Route 258 (referred to as the Windsor Commercial Corridor District as an overlay district) that build new buildings or expand by over 50 percent must meet certain minimum requirements. It also applies to new residential developments (mobile home parks and subdivisions). These at this point would require inter-parcel access, sidewalk installation, buffers and landscaping based on type of use and size of road frontage, and parking lot landscaping. These site plans would be approved by the Planning Commission similar to the Subdivision process. A guide of trees and shrubs must be compiled and put in place. However, if adopted, this Ordinance could be implemented using the Chesapeake Bay Assistance Department list of plants (not to use) and the County guides. If tonight's meeting appears to be positive, I will begin the work on the guide.

After the site plan section, a list of minimum standards for the various types of Conditional Uses is given. These are conditions that at a bare minimum the Town should place on all of the relevant types of CUP's.

Finally the Article goes over the procedures for Variances, Administrative Appeals, rezonings (aka Zoning Map Amendments) and CUP's. These include the legislative changes made earlier this year by the General Assembly.

Article III Subdivision: This section goes over the subdivision process. It begins with the general administrative processes, goes over the language to be shown on all plats, and gives basic subdivision usage and requirements for all types of subdivisions. Then it goes through the various types of subdivisions, resubdivisions, family transactions, minor and major subdivisions. It goes over preliminary plats (making them voluntary) and the seldom used vacation of plats.

NEXT STEP: Staff recommends that if Town Council feels comfortable with the Ordinance that a public hearing be set on the Ordinance and once the companion Draft Zoning Map is corrected and recommended for approval by the Planning Commission. This should be completed by your October meeting.

MINUTES OF THE PLANNING COMMISSION – WINDSOR, VIRGINIA

The Planning Commission met on Wednesday, July 22, 2015 at 7:00 p.m. in the Town of Windsor Council Chamber. Chairman Bennie Brown called the meeting to order and welcomed all who were present. Terry Whitehead, Town Clerk, recorded the minutes. Dennis Carney, Planning and Zoning Administrator, and Wallace W. Brittle, Jr., Town Attorney, were present. Ms. Whitehead called the roll.

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

Planning Commission members absent: Debra D. Hicks
George Stubbs

MINUTES

Chairman Brown asked if there were any amendments to the minutes of the June 24, 2015 regular Planning Commission meeting. Commissioner Edwards noted two typographical errors in the minutes. Commissioner Marshall made a motion to approve the minutes with the aforementioned amendments. Commissioner Jones seconded the motion, and the Commission unanimously passed the motion as recorded on the attached chart as motion #1.

PUBLIC HEARING ON THE DRAFT LAND DEVELOPMENT ORDINANCE

Chairman Brown said there are two public hearings tonight. The first is to consider public comments on the Draft Land Development Ordinance. He asked Mr. Carney to summarize the Draft Land Development Ordinance.

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, grammatical, and punctuation questions. 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 leading to more aesthetically pleasing development and

the provision 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 recommended that the Commission consider recommending the Draft Land Development Ordinance to Town Council. He noted that the Commission has not seen this document for a while and may need more time to review this lengthy document.

Chairman Brown opened the public hearing. Being that there was no one to speak in favor or in opposition to the proposal, he closed the public hearing. He said it is now open for discussion among Planning Commission.

There being no discussion and noting the amount of time the Commission has spent on this matter, Commissioner Marshall made a motion to recommend the Draft Land Development Ordinance to Town Council with the Commission's favorable approval for adoption. Commissioner Jones seconded, and Planning Commission unanimously passed the motion as recorded on the attached chart as motion #2.

PUBLIC HEARING ON THE DRAFT ZONING MAP

Chairman Brown said there is another public hearing tonight on the Draft Zoning Map. He asked Mr. Carney to review the Draft Zoning Map.

Mr. Carney reported that a public hearing was actually held by the Commission on the Land Development Map and was approved by the Commission in November 2011. Although, a public hearing is advertised on this matter, there are no changes to the proposed map except that Holland Meadows is to be shown as MHP Mobile/Manufactured Home Park with Conditions. He said the conditions are that there will never be a manufactured home within the development.

Chairman Brown opened the public hearing. Being that there was no one to speak in favor or in opposition to the proposal, he closed the public hearing.

Councilman Edwards noted several discrepancies on the Draft Zoning Map regarding Town Property not being marked under the Public zoning district. After further discussion, Councilman Edwards made a motion to table the Draft Zoning Map until corrections are made to the Public zoning districts on the map. Commissioner Marshall seconded, and the Commissioners unanimously passed the motion as recorded on the attached chart as motion #3.

UPDATE ON THE STATUS OF THE REVISED U.S. ROUTE 460 BYPASS PROJECT

Mr. Carney reported that the northern preferred alternative will be reviewed through the recently adopted House Bill 2 (HB2) to determine the cost benefit analysis.

Councilman Edwards stated that the Town already has major traffic issues, and with the new developments, it is only going to get worse. He explained that he does not agree with the northern alternative, but a new alternative route is needed to help funnel the flow of traffic out of Town. Planning Commission continued to discuss the traffic issues within Town.

REPORT FROM THE TOWN ATTORNEY

None

REPORT FROM ECONOMIC DEVELOPMENT AUTHORITY

Mr. Carney noted that the grand opening for Itly's Country Store scheduled for Saturday, July 18th was cancelled due to an illness in the owner's family. He said he would update the Commission when a new date is set.

Chairman Brown said he has received many positive comments regarding the murals painted by the Girl Scouts at 11 East Windsor Boulevard.

PLANNING AND ZONING STAFF REPORT FOR FY 2014-2015

Mr. Carney said that FY 2014-2015 was a very good year for Zoning Permits. In all categories, the number increased to 91 permits up from the 82 permits in FY 2013-2014. This is an 11.1 percent increase and also brings it to the largest amount in the last five years.

Mr. Carney reported that the number of violation cases increased by 5.0 percent to an even 100 cases in FY 2014-2015. He continued to explain the various zoning permits and violations that were issued in FY 2014-2015. Mr. Carney stated that overall, the citizens of the Town are complying with the Town's laws, and when they learn they are in violation, they correct the matter fairly promptly.

Mr. Carney recommended having another work session on the Olde Town Windsor concept in conjunction with the August 26, 2015 regular Planning Commission meeting or at a future meeting. After discussion, Planning Commission agreed with this recommendation.

ADJOURNMENT

There being no further business, Commissioner Marshall made the motion to adjourn. Commissioner Edwards seconded the motion, and Planning Commission unanimously approved the motion as recorded on the attached chart as motion #4.

The meeting adjourned at 8:07 p.m.

Bennie Brown, Chairman

Terry Whitehead, Town Clerk

TOWN OF WINDSOR
 RECORD OF
 PLANNING COMMISSION VOTES

Commission Meeting Date July 22, 2015

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

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Town Clerk
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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 needed. 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.

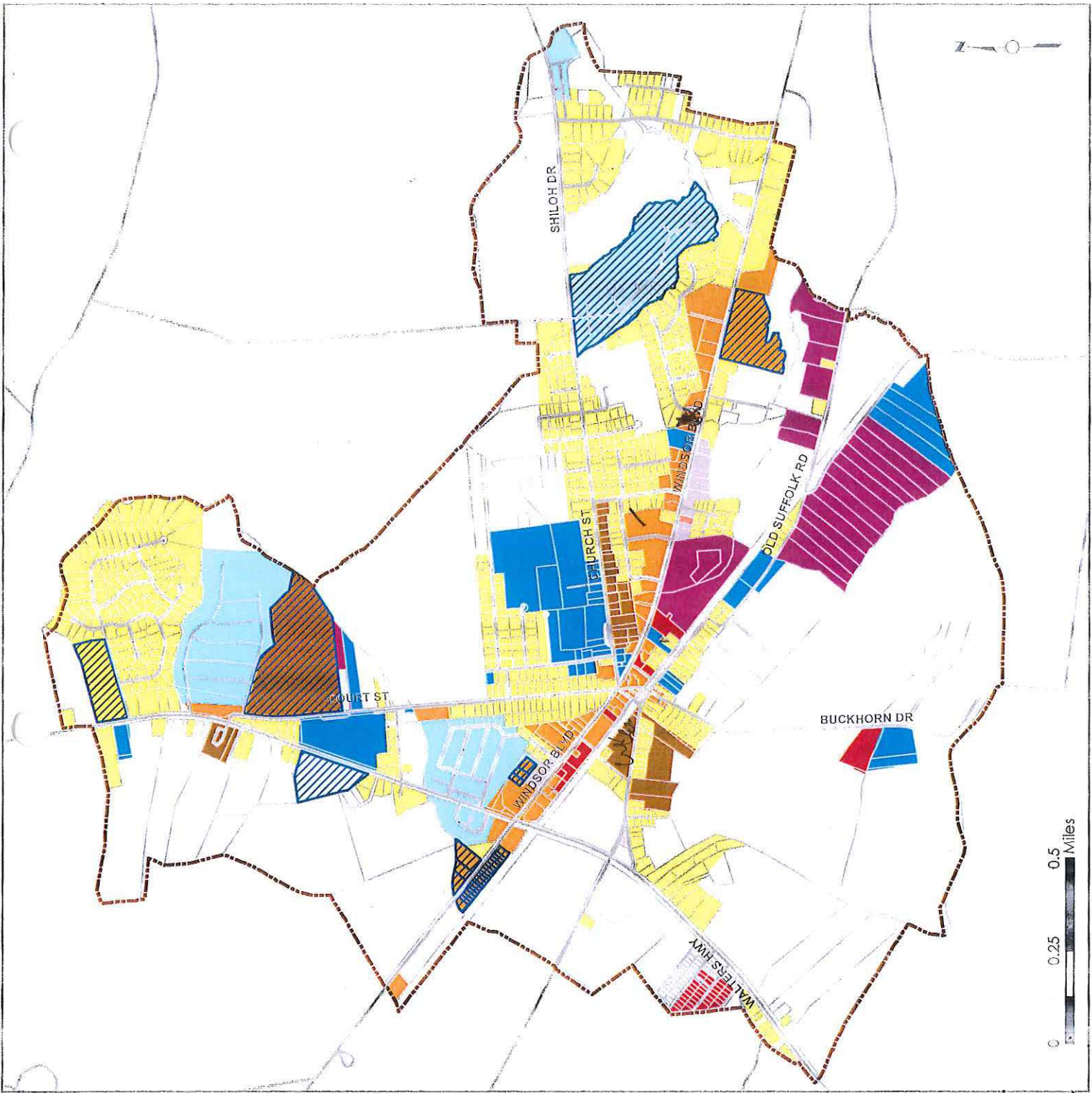
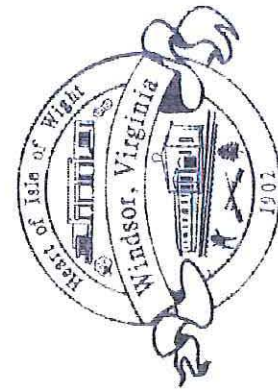
9. The lots that the Town acquired on the north side of Bank Street adjacent to B Avenue and the Railroad had been zoned R-2 Residential prior to its acquisition. Due to its potential for several public uses, it is suggested that it be designated public.

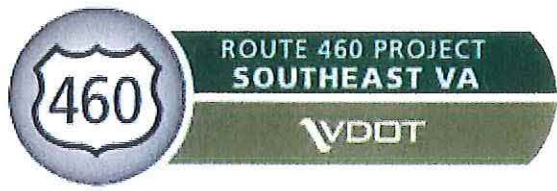
As of this writing, the Zoning Maps have not been amended with these changes. If the Commission is in agreement with the above recommendations, Staff will have them corrected as necessary and a second public hearing be set for your September meeting. If you have any questions regarding the process or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

Town of Windsor

Zoning Districts

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

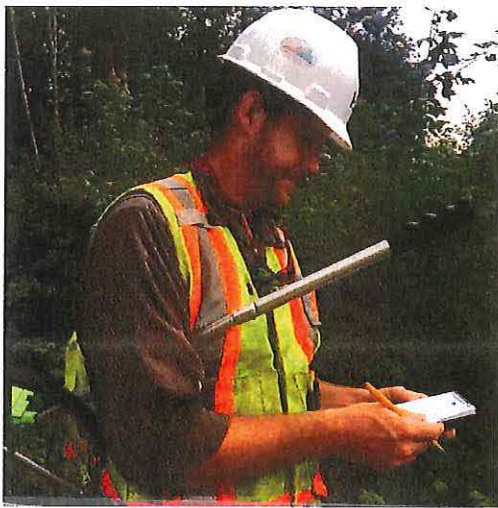




The Virginia Department of Transportation (VDOT), in cooperation with the Federal Highway Administration (FHWA) and the U.S. Army Corps of Engineers (USACE), are preparing a Final Supplemental Environmental Impact Statement (SEIS) and permit application for the Preferred Alternative of the Route 460 Project Southeast Virginia.

The Preferred Alternative under study was approved by the Commonwealth Transportation Board (CTB) in February 2015 and displayed at public meetings in May 2015. It would consist of a new four-lane divided highway from a new U.S. 460/58 interchange in Suffolk to west of Windsor. From west of Windsor to west of Zuni, the existing U.S. 460 would be upgraded to a four-lane divided highway and include a new bridge across the Blackwater River to eliminate long standing flooding problems.

An important component of the environmental study on the project is a report of the location and limits of wetlands along the project corridor called the Final Waters of the U.S. Delineation Report and Request for Preliminary Jurisdictional Determination (JD). It was submitted to USACE at the end of July 2015.



Field work is ongoing to support the design for the permit application and to identify potential rare, threatened, or endangered species habitat. In November 2015 there will be a public comment period following the submission of the final permit application to USACE.

Before the project can acquire property or begin construction, it must receive a

Record of Decision from FHWA and a permit decision from USACE. These decisions are expected by Summer 2016. The project must also be scored under House Bill 2 (HB2) on an objective data-driven process. Once the project is scored, the CTB will decide whether or not to advance the project for further design and construction.

Visit the [project website](#) for more information, and stay tuned for future E-Updates. The project team can be reached by toll-free information line at 1-855-460-4600 or Info@Route460Project.org.

SUBSCRIPTION NOTE: This newsletter will be sent out about once a month to keep stakeholders informed about the progress of the project. If you do not wish to receive it, just reply with a note and we'll remove you from the list. If you're not on our mailing list, please use the [Contact Us](#) link on the project website to sign up.

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Established 1902

August 3, 2015

Memorandum

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

From: Dennis W. Carney, Planning and Zoning Administrator

Subject: July 2015 Planning and Zoning Report

Zoning Permits: The number of Zoning Permits decreased from the eight new permits in June to five for July. This is also slightly less than the six in July of 2014. However, the permits included a new single family home, a double wide manufactured home (replacing a single wide) and a new replacement single wide manufactured home. We also had a swimming pool and a deck.

Violations: There was much activity on the violation front. There were seven new violations (five for inoperative motor vehicles and two for junk and trash). However, there were no new grass cases. On a very positive note, fifteen violation cases were resolved. Ten inoperative motor vehicle cases involving eleven vehicles, three tall grass cases, a junk and trash case and a zoning case (involving a chicken) constituted the completed cases. It was heartening to see the tall grass cases start to fall off with no new cases and the successful resolution of the June cases.

Planning Commission Activity: The Planning Commission held a public hearing and unanimously recommended approval to Town Council of the Draft Land Development Ordinance (see the related memorandum).

Economic Development Authority Related Activities: The agreement to protect the mural for at least five years has been signed by the property owner and will soon be recorded by Mr. Brittle, the Town Attorney, as requested by the Economic Development Authority. This was accomplished very amicably, and Mr. Ferdinand Nunez should be congratulated for his civic support of the Girl Scouts/Mural Project and the improvement of the Town.

Other: All in all, the heat of summer did not affect the activities and the successes of the month.

MONTHLY REPORT PLANNING & ZONING

July 2015

	<u>July</u>	<u>FYTD</u>
Number of Zoning Permits Issued:	5	5
Residential New Construction:	3	3
Commercial New Construction:	0	0
Building Additions:	0	0
Accessory Buildings:	0	0
Signs:		
Temporary:	0	0
Permanent:	0	0
Fences:	0	0
Pools:	1	1
Decks:	1	1
Driveways:	0	0
Other:	0	0
Notices of Violation:	7**	7**
Inoperative vehicles:	5	5
Tall grass:	0	0
Signs:	0	0
Other:	2	2
Number of Violation Cases Resolved:	15*	15**
Inoperative vehicles:	10	10
Tall grass:	3	3
Sign	0	0
Other:	2	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