


Town of Windsor

Memorandum

TO: The Honorable Mayor and Members of Town Council

FROM: James Randolph, Planning & Zoning Administrator 

SUBJECT: Conditional Use Permit (CUP) Application 01:2024

DATE: September 10, 2024

The above referenced application will be the subject of a public hearing by the Windsor Town Council. In your packet, you have a full report that includes the details and conclusions of this application. The property is currently zoned R1, Residential which is primarily a single-family zoning designation. However, the zoning ordinance does provide for multi-family use, subject to a conditional use permit (CUP) being granted.

The Windsor Planning Commission held a public hearing at their meeting in June to consider this application. Cody Hastings, with Hastings and Sons LLC, was the only speaker at this hearing. The Windsor Planning Commission reviewed the potential impacts of this application and how they may affect the adjoining properties with regards to projected traffic, whether the proposed use would be consistent and compatible with the existing uses nearby, and the proposed use on the health, safety and general well-being of the community. The Planning Commission adopted a motion to recommend approval of this application with the following conditions:

- 1) Substantial conformity to the site plan and corresponding renderings/elevations submitted with the application.
- 2) Prior to the issuance of certificates of occupancy or in reasonable time and manner associated with the conclusion of construction, subdivision of the parcel into 2 lots, each with a minimum state road frontage of 50'.

The Town Council may delete, modify or adopt additional conditions to mitigate any proposed effects associated with the proposed use, if so desired.

After the public hearing is closed, should the Town Council have any questions or require additional information, staff will be available to address those items.

TOWN OF WINDSOR

P.O. Box 307
8 E. Windsor Blvd.
Windsor, VA 23487

Department of
Planning & Zoning
757-242-4288



Established 1902

PLANNING & ZONING REPORT

Overview:

This Conditional Use Permit application, CUP 01:2024, requests a use that is not a permitted or by-right use in the R1, Residential zoning district. Section 160-47 C(7) provides for: Townhouse and Multi-Family Dwellings as a “conditional use”. While the zoning ordinance defines what is and what is not permitted in each zoning district, the conditional use process allows for consideration of uses on a site-by-site basis.

Section 160-73 of the zoning ordinance provides the standards and procedures that are required of the application, review and decision process. The process for a CUP is similar to a rezoning. Application is submitted to the Planning & Zoning Administrator, along with an appropriate fee. A zoning notice is placed on the property, and adjoining property owners are notified of the public hearing. A public hearing is advertised and then conducted by the Planning Commission. The Planning Commission has up to 100 days to make a recommendation, or if none is made within this timeframe, the application moves forward to the Town Council with a favorable recommendation. The Town Council will then hold a public hearing and consider the recommendation of the Planning Commission as well as any other comments received during the hearing. The Town Council will then decide on whether to approve or deny the CUP.

In evaluating the proposed conditional use, the following criteria should be used:

- The effect of the proposed use on existing and projected traffic volumes in the neighborhood
- The character of the use and the existing neighborhood and the effect of the proposed use on existing property values
- The impact of the proposed use on the health, safety, and welfare of the neighborhood
- Any conditions that can be applied to mitigate the adverse impacts to an acceptable level

With your review, the Planning Commission has the authority to recommend conditions and requirements that are necessary to protect the public interest. Conditional use permits must be put into effect within (1) year from the date of approval. Additionally, if a conditional use is discontinued or suspended for a period of (2) years from the date of approval, the CUP can be declared void.

Application:

Conditional Use CUP 01:2024 An application submitted by Hastings and Sons LLC, owner, requesting a conditional use permit for property identified as Map Parcel 53-01-103. The parcel is .50 acres, zoned R1 Residential and is located on Bank Street (Route 1810) approximately 400 feet east of the intersection of U.S. Route 258. The purpose of the application is for development of a two (2) unit multi-family building.

Property Owner: Hastings and Sons LLC

Property Location: Bank Street

Tax Parcel Numbers: 53-01-103

General Information:

Acreage: .50 acres +/-

Current Zoning: R1-Residential

Current Use: Undeveloped

Requested Use: Multi-family

Comprehensive Plan: Low Density Residential

Adjacent Properties: Adjacent properties consist of a single-family residence (10184 Bank St.), a multi-family apartment building across the street (10198 E. Blackwater Rd.), and a wooded parcel adjacent to the west.

Site Characteristics: The site has been cleared and is generally level.

Factors related to conditional use request:

- Improvements: There are no improvements or structures located on this property.
- Environmental: There are no wetlands located on the property and the property is not in a flood hazard zone.
- Historical/Cultural: No significant aspects are noted at this time.
- Transportation: Access to this property is via Bank Street, Route 1810. This is a state roadway that is maintained by VDOT. The posted speed limit is 25 mph. There is a fair amount of traffic along this roadway, specifically during daylight hours.
- Utilities: This property is currently served by public water and public sewer. The water line is 8" diameter and located on the north side of Bank Street. The main vacuum sewer line is located on the south side of Bank Street, along the frontage of this property. Electric service is available to the property through Dominion Energy.
- Economic Impacts: Two residential dwelling units would likely have a higher real estate value than one single dwelling. Two residential units would likely house 5 persons total (2.53 per household). Increased density will lead to the requirement of additional Town services and resources.
- Conditions: This is a conditional use permit request. The Planning Commission has the ability to require specific conditions to mitigate any adverse effects that may arise from higher density development than is otherwise permitted in the R1 zoning district.

Staff Conclusions:

The development of a two (2) unit multi-family building may provide an alternative housing option to the customary single-family residences or manufactured homes that make up a majority of the housing stock in the Town of Windsor.

This application is somewhat inconsistent with the adopted Comprehensive Plan. While the Comprehensive Plan does indicate the continued need for housing of all types, the Comprehensive Plan also denotes this property and other properties west of Maple Lane as Low Density Residential. Because the Comprehensive Plan's standards are wide ranging but explicit, it should be the principal guide to the Planning Commission's discussions and actions concerning land use management and development, particularly zoning amendments. The Commission, however, should also look beyond the plan and consider whether the application advances the best interests of public health, safety, and general welfare.

The development of two units of multi-family housing in this location provides limited economic benefits to the Town of Windsor while increasing the need for Town and County services.

Isle of Wight County Public Utilities operates the sewer system within the Town of Windsor. It is the general policy to provide one connection to the system per each parcel, pending availability and other limitations. Allowing (2) connections for this CUP request may not be feasible as there is limited capacity in the overall system.

Each recommendation forwarded from the Planning Commission sets a precedent with regard to other future applications. While Conditional Use Permits (CUP) are considered on a site-by-site basis, caution should be exercised to ensure good planning practices are followed. Additional applications for these uses by other similarly zoned properties may need to be considered.

Attachments:

- Application for conditional use permit
- Applicant's letter
- Proposed elevations/renderings of building
- Site Maps
- Public Notices

TOWN OF WINDSOR

Conditional Use Permit



Established 1902

Planning and Zoning
Administrator
(757)242-4288

Property Owner(s) Hastings and Sons LLC C/O Cody R Hastings Owners Ph.# 757 754 2452

Owners Mailing Address 225 George Washington Hwy South Chesapeake, VA 23323

Owners E-Mail Hastingsandsonslc@gmail.com

Applicant (if different from Owner) Same as Above Ph# _____

Applicant's Address _____

E-Mail _____

Agent-Correspondence should be sent to _____

Address/location of Subject Property Bank St

Tax Map Number 53-01-103 Zoning District R-1 Parcel Size +/- .5 acres Street Frontage 103'

Are there proffered conditions on this property (if so please submit a set of the proffers)?
Yes ___ No

Proposed Conditional Use Permit 2 Unit Building

Section of Land Use Ordinance 160-47 (c)(7)

If more space is needed than provided for Questions 1-10, please write a separate narrative answering the questions and annotate the questions with "See Attached".

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. See Below Question #3

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. This is a low volume street (25 mph) and instead of 2 separate entrances I propose 2 separate driveways but grouping them together so there will only be 1 entrance points to Bank St.

3. Describe any existing Zoning Permits, Conditional Use Permits or Variances previously granted for this property. None known

1. This should not effect adjacent properties other than a few more vehicles on Bank St, This will bring 2 more tax paying households to the Town, I have spoken with Mr Randolph and the Town can handle the water demands, I have spoken with Mr Rowland at the county and the sewer system capacity has taken into consideration a vacuum pot for this lot and 1 pot will support up to 4 homes so the sewer system can handle the use. I do not know the buyers of these homes but I do not see a large enough impact to negatively effect the school system

4. Is this request in general accord with the current Town of Windsor Comprehensive Plan? Yes If no, is a Comprehensive Plan revision being submitted concurrently with this application? _____ The Comp plan was reviewed and in Windsor as in the rest of the nation there is a housing shortage, an estimated 520 dwelling units will be needed in the Town by 2040. The available infrastructure is in place and can support this development.

(Please submit a siteplan of the proposed conditional use permit including any new proposed and existing structures, streets, driveways and any other amenities that are present or to be constructed on the property, including structures or streets/driveways to be removed or moved.

An application is not considered to be complete without such a siteplan). Layout of lot is provided

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 (please provide what the proposed structures will look like)? Rendering provide, 2 unit building The building will be a 1 story building so that it fits in the neighborhood

6. Number of Parking Spaces Required and how many are being provided? Each unit will have a 20'x45' driveway this should provide for parking 4 cars per unit

7. Are there Chesapeake Bay Resource Protection Areas on the property? No

8. Was a Traffic Impact Analysis (TIA) required for this Request? No If yes, has the Virginia Department of Transportation (VDOT) approved/commented upon it? _____

(If required and VDOT has not approved it, the application cannot proceed until this review is completed) (Please include a copy of the TIA and VDOT's response with this application and provide an explanation of how VDOT's comments are being addressed.)

9. Are there adequate water and sewer facilities to serve the proposed use that would follow this rezoning (if not, how will these facilities be ^{Yes} provided)?

I have spoken with Mr Randolph and the Town can handle the water demands, I have spoken with Mr Rowland at the county and the sewer system capacity has taken into consideration a vacuum pot for this lot and 1 pot will support up to 4 homes so the sewer system can handle the use.

10. What are the properties zoned, and what is the use of the properties on the land adjacent to the subject property?

NORTH- Zoning A-1 and O-R

Use(s) Single Family Home and Duplex

SOUTH- Zoning A-1

Use(s) Vacant Wooded Lot

EAST- Zoning R-1

Use(s) Single Family Home

WEST- Zoning R-1

Use(s) Vacant Wooded Lot

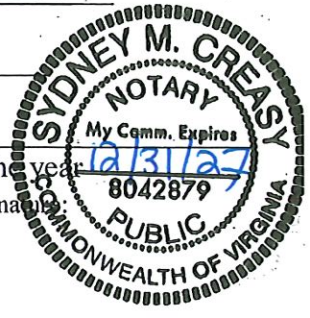
I/WE HAVE READ THIS COMPLETED APPLICATION, UNDERSTAND ITS INTENT AND FREELY CONSENT TO ITS FILING. THE INFORMATION PROVIDED IS ACCURATE TO THE BEST OF MY/OUR KNOWLEDGE. I UNDERSTAND THAT THE TOWN MAY APPROVE OR DENY THE REQUEST FOR WHICH I AM APPLYING. FURTHERMORE, I GRANT PERMISSION TO THE PERSONNEL OF THE TOWN AND OTHER AGENTS OF THE TOWN OF WINDSOR AND ANYOTHER AUTHORIZED GOVERNMENT AGENCY TO ENTER THE PROPERTY AND MAKE SUCH INVESTIGATIONS AS THEY DEEM NECESSARY TO EVALUATE THE REQUEST.

Name Cody R Hastings
(Print)

[Signature]
Signature (Applicant)

owner / contract purchaser / authorized agent – please circle one) Date 4/30/2024

NOTARY: COUNTY OF Isle of Wight STATE OF Virginia
Subscribed and sworn to me on the 5 day of June, of the year 2024,
My Commission expires on 12/31/2027. Notary Public Signature [Signature]
Stamp:



STAFF USE ONLY- DO NOT WRITE IN THIS AREA

Fee Paid _____ Date _____ Accepted by Signature/Title _____

Comments _____

Windsor Planning Commission,

My name is Cody R Hastings and I am a builder, my company name is Hastings Homes. The purpose in this narrative is to describe a project that I am proposing in Windsor, VA on Bank St Tax# 53-01-103 zoned R-1. This is to the right of 10184 Bank St when facing the property. This narrative will accompany a use permit application for a use of multifamily on the property. The purpose in submitting this with the application is to help accommodate any reservations the commission might have. I look forward to your comments and working in the Town again.

Before I get into the new project I want to preface that I have built in the Town before, the project was 102 Maple Ln. This project had challenges beginning with having to remove the old church that was falling down and was an eyesore in the Town as well as the restricted space with the narrow street. We left the area better than we found it, worked well with the neighbors and were able to build a home for a family. On this project I had a plan specially designed to fit the neighborhood. I could have built a two story home that would not have fit the neighborhood, but I went the extra mile to ensure that the home I built was the right home for the street.

You can see the Home here: https://www.zillow.com/homedetails/102-Maple-Ln-Windsor-VA-23487/2056839748_zpid/

The reason for a use permit application for this project is to allow for a two unit multifamily building at the property. The zoning of this property is R-1 and multifamily is allowed in this zoning through a use permit. The property directly across the street is multifamily already.

After reviewing the Comp Plan it is clear that the Town of Windsor, like most of the US, has a housing shortage, especially a shortage of affordable housing. The solution that makes the most sense to help combat that is to increase density, but of course that needs to be done intelligently. This property has a lot of advantages that bode well for multifamily and increased density. The property is located in an urban part of town with a speed limit of 25 mph, the infrastructure is available to support multifamily and it is within the town limits.

Utilities:

Dominion Power: Has aerial power available across the street from this property and connection should not be a problem or impact the neighborhood.

Spectrum: Has aerial high speed internet and communication wires across the street from this property and connection should not be a problem or impact the neighborhood.

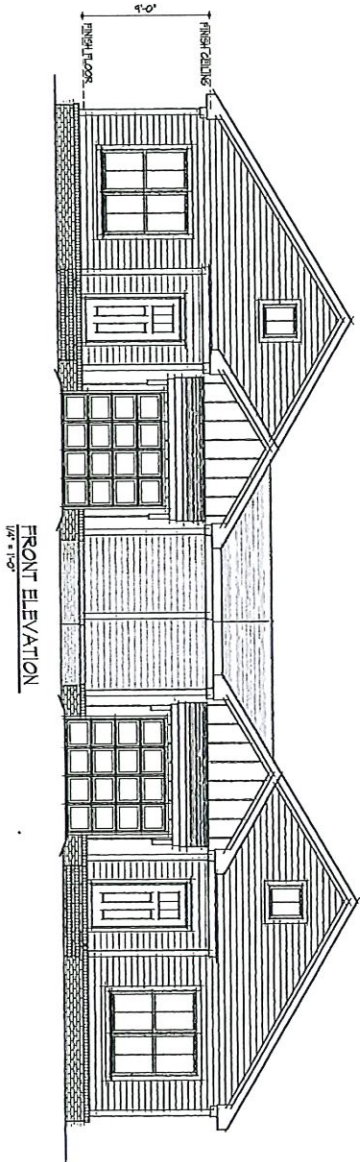
Isle of Wight County: Has a vacuum sewer main on the same side of the street as the property, the main will need to be tied into and a vacuum pot installed. This can be done with little impact on the neighborhood. The main is located on the edge of the street so minimum work will have to be completed in the roadway. I have spoken with Mr. Rowland from the county about capacity because I know that is a major concern in the town. He has explained that the system capacity has taken into account a vacuum pot for this property since it was an existing lot. I made sure to mention my intended use for multifamily to ensure he knew usage of the property; he explained that the capacity of the system is based on the number of vacuum pots on the system and that four homes could be connected to one vacuum pot so the intended use would not be an issue with the capacity of the system.

Town of Windsor: Has a 8" PVC water main across the street from the property, the main will need to be tied into. I have spoken with Mr. Randolph about the water supply, he has assured me that volume will not be an issue with the 8" main. To limit the impact to the roadway I have proposed to bore a 3" sleeve under the roadway and pull a 2" water main through it. This will allow for easy maintenance in the future if needed. The 2" main will then tie into the 2 water meters on the property.

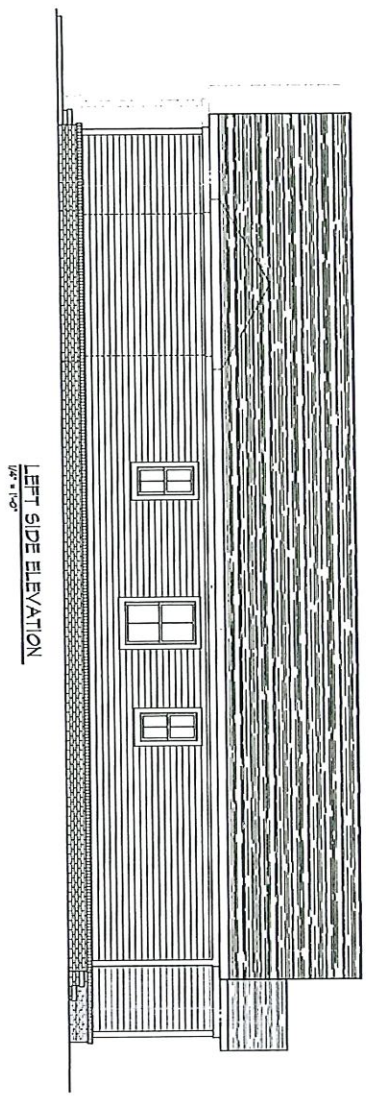
Design elements: To help the project work in the neighborhood. I am proposing only one entrance onto Bank St. Each unit will have its own driveway and will be grouped together to allow for only one entrance onto Bank St. To ensure no vehicle will be parking on Bank Street once completed I am proposing a driveway for each unit that is 20'x45' this will allow for the parking of four cars per unit. I am proposing a front elevation of a one story so that the front elevation will fit in with the surrounding homes.

Affordability: Affordability is also a determining factor in this project, depending on when we can get to market I anticipate a list price of 325k-350k. This should strike at a price point for first time home buyers and the size should work well for Baby Boomers looking to downsize. This will make this project appealing to a large range of buyers looking to move to the Windsor area.

Below is a rendering of the front elevation. My intention is to keep the front elevation as a 1 story building so it will match the surrounding homes, The building will have all bedrooms on the 1st floor to allow for aging in place with wide doors to the bedroom and bathroom. The rendering of the front of the building is below, there is a rendering with a full front porch which is what I would like to do to give a place outside for the homeowners to enjoy the weather and make the home more welcoming.



FRONT ELEVATION
1/4" = 1'-0"



LEFT SIDE ELEVATION
1/4" = 1'-0"

THIS SET OF PLANS IS THE PROPERTY OF MAYFIELD DESIGNS, INC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO PART OF THIS SET OF PLANS IS TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF MAYFIELD DESIGNS, INC.

P2

DATE: MAY 21, 2014
 DRAWN BY: 24-056

MAYFIELD DESIGNS, INC.
 401 BRIARFIELD DR, CHESAPEAKE, VA 23322
 PHONE: (757) 547-2191
 WEBSITE: www.mayfielddesigns.com EMAIL: info@mayfielddesigns.com

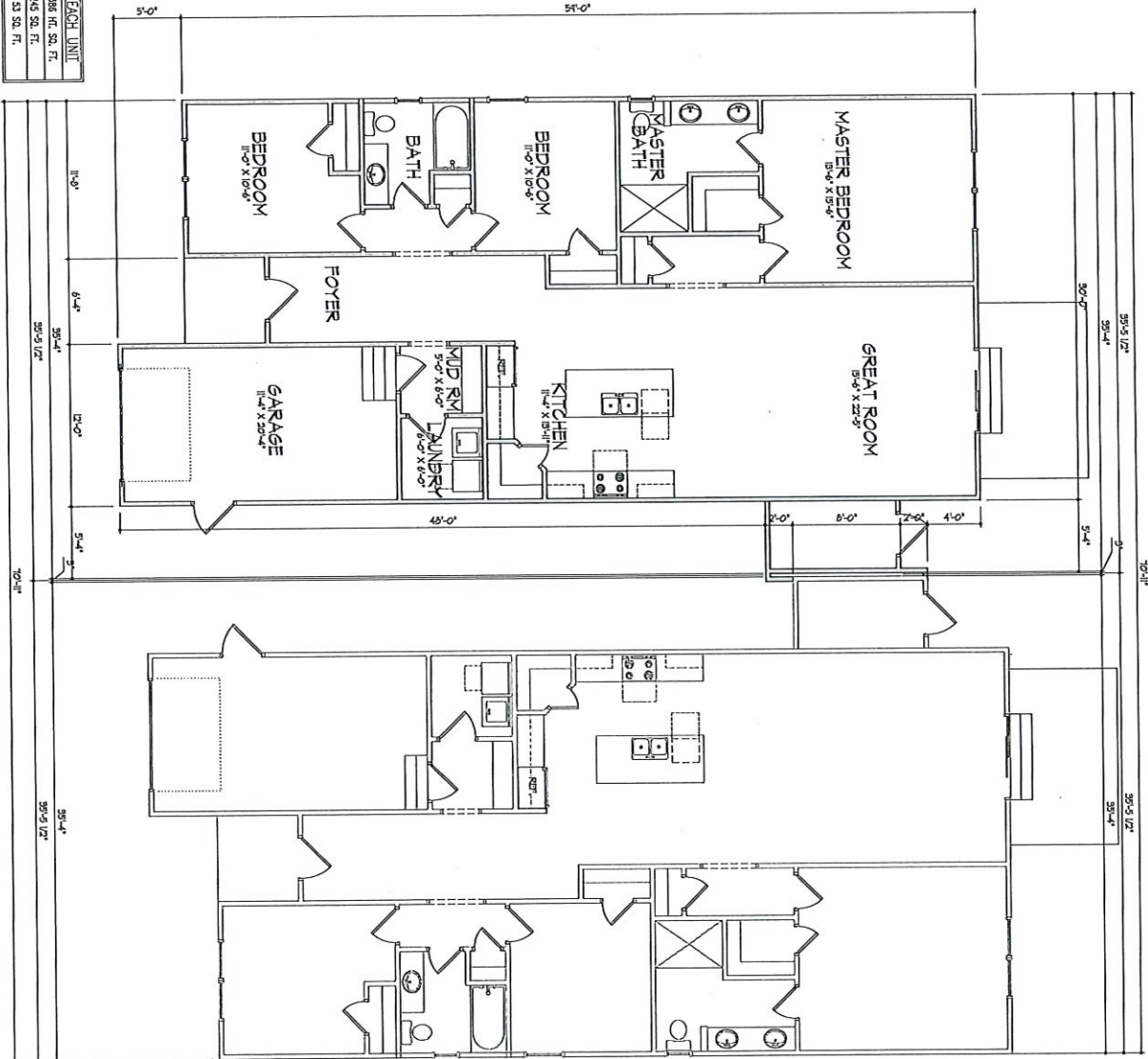


PLANS PREPARED FOR: HASTINGS & SONS L.L.C.
 THE BANK STREET DUPLEX
 EXTERIOR ELEVATIONS

REVISION	BY	DATE

SQUARE FOOTAGES PER EACH UNIT	
LIVING AREA	1,386 SQ. FT.
COVERED AREA	746 SQ. FT.
STORAGE	53 SQ. FT.

FIRST FLOOR PLAN
1/8" = 1'-0"



P1


DATE: MAY 21, 2024
 TIME: 2:40-05

MAYFIELD DESIGNS, INC.
 401 BRIARFIELD DR. CHESAPEAKE, VA 23322
 PHONE: (757) 547-2191
 WEBSITE: www.mayfielddesigns.com EMAIL: em@mayfielddesigns.com



PLANS PREPARED FOR: HASTINGS & SONS L.L.C.
THE BANK STREET DUPLEX
 FLOOR PLAN

DATE	BY	REVISION

300' + or - To Maple Ln 

Bank St

30' Front Yard
Setback
15' Side Yard
Setback

103' +/-

Driveway
20' Wide

Driveway
20' Wide

Unit 2

Unit 1

224' +/-

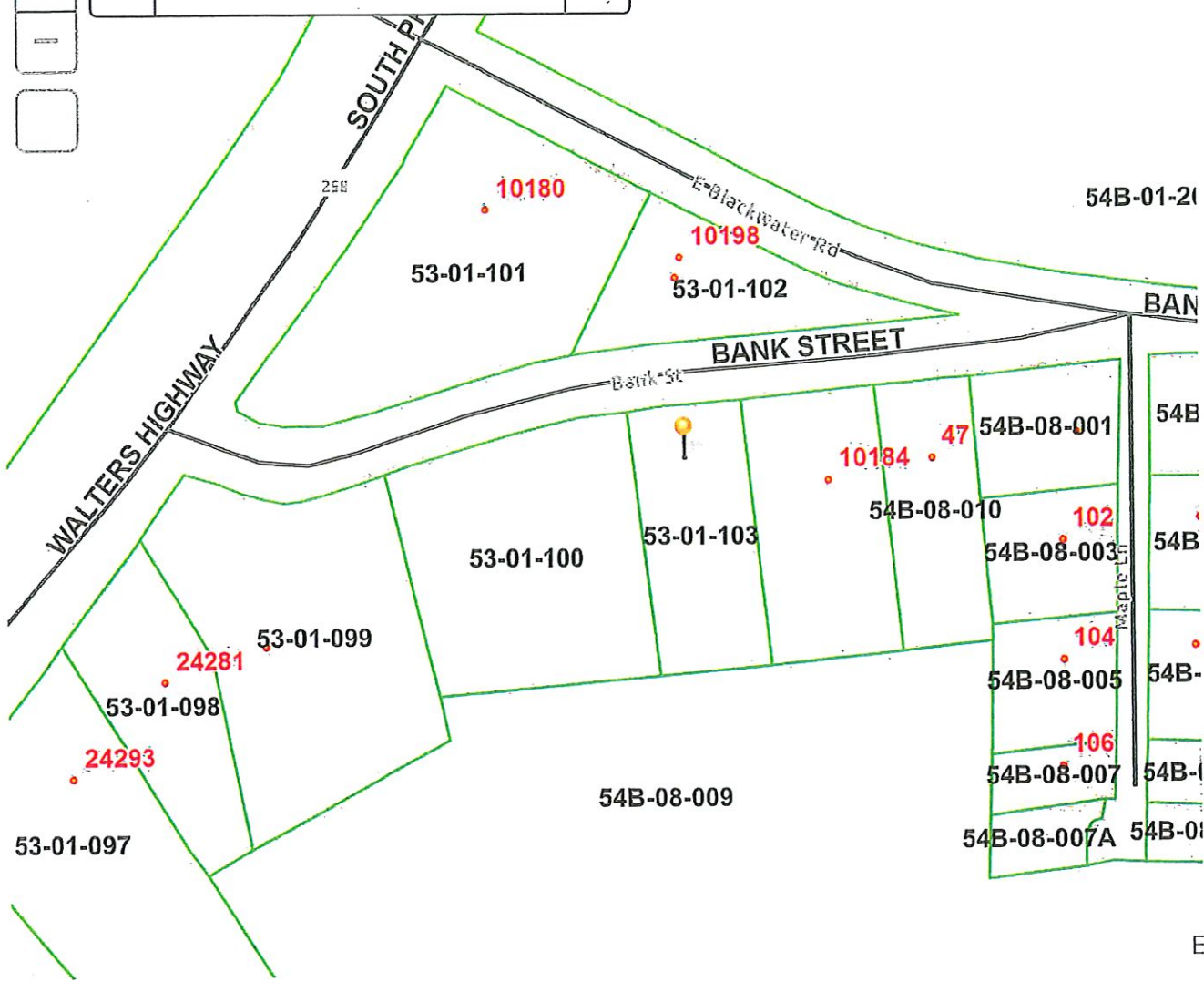
220' +/-

103' +/-

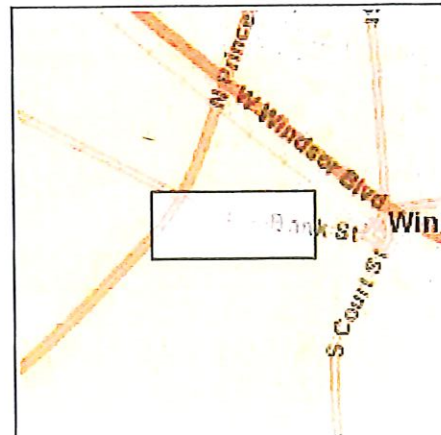
Not to Scale
15' side yards, 40'
front yard and 120' ish
rear yard



Parcel #, Name, Address or



All rights reserved





TOWN OF WINDSOR

P.O. Box 307
8 E. Windsor Blvd.
Windsor, VA 23487

Department of
Planning & Zoning
757-242-4288



August 28, 2024

Dear Property Owner:

You are receiving this notice because an application has been filed for a conditional use permit for property that is either adjacent or in close vicinity to your property. This application will be the subject of public hearing by the Windsor Town Council on:

Tuesday, September 10, 2024 at 7:00 p.m.
Windsor Town Hall
8 E. Windsor Blvd., Windsor, VA 23487

A copy of the public notice is attached for your reference. If you have any questions or would like to provide comments, you are invited to attend the public hearing or contact the Planning & Zoning Department at 757-242-4288.

Sincerely,



James Randolph
Planning & Zoning Administrator

Attachment

PUBLIC NOTICE

Town of Windsor-
Town Council

PUBLIC HEARING

The Town Council of the Town of Windsor, Virginia will hold a public hearing on Tuesday, September 10, 2024, in the Windsor Town Hall located at 8 East Windsor Blvd., Windsor, Virginia to consider the following:

Beginning at 7:00 p.m.

CUP 01:2024 An application submitted by Hastings and Sons LLC, owner, requesting a conditional use permit for property identified as Map Parcel 53-01-103. The parcel is .50 acres, zoned R1 Residential and is located on Bank Street (Route 1810) approximately 400 feet east of the intersection of Walters Highway (US Route 258). The purpose of the application is for development of a two (2) unit multi-family building.

Any person desiring to be heard in favor of, in opposition to, or to provide comments on the application is hereby invited to participate in the public hearing. A copy of the application is on file with the Department of Planning & Zoning, 8 East Windsor Blvd., Windsor, Virginia and is available for public review.

Publish: August 21, 2024
August 28, 2024

Applicant/Owner:

Hastings and Sons LLC
225 S. George Washington Hwy.
Chesapeake, VA 23323

Adjoining Property Owners:

Forcada Agency LLC, c/o Maria C. Kelly
105 Racefield Drive
Toano, VA 23168
Parcel 53-01-104

Maria Carmen Kelly Rev Living Trust
105 Racefield Drive
Toano, VA 23168
Parcel 54B-08-010

Joyce Eley Skinner Et Al
1350 Westwood Ave. #403
Richmond, VA 23227
Parcel 53-01-100

Greater Suffolk/St. Luke's Lodge #27
c/o Trustees
P.O. Box 1014
Franklin, VA 23851
Parcel 53-01-102

Jason W. & Brittney W. Curle
26378 Walters Hwy.
Windsor, VA 23487
Parcel 53-01-101

In accordance with Code of Virginia, Section 15.2-2204, public hearing notice requirements, I do hereby attest that the property owners listed above were notified via first class mail on August 28, 2024 of the public hearing that will occur on September 10, 2024 at the Windsor Town Hall located at 8 E. Windsor Blvd., Windsor, VA 23487.



James Randolph

Planning & Zoning Administrator 8-28-2024