

**TOWN OF WEST POINT
PLANNING COMMISSION MEETING
JANUARY 5, 2022**

I. Call to Order

The West Point Planning Commission held its regularly scheduled meeting on Wednesday, January 5, 2022. Town Attorney Andrea Erard called the meeting to order.

Members Present: Britney Ball, Vice-Chairman
Mary Montague Sikes
James Hudson, III
James Vadas
Stuart Daniel
Teresa Glidewell

Members Absent: James Brockwell, Chairman

Staff Present: Holly N. McGowan, Director of Community Development
Shari Carnell, Recording Aide

Electronically Present: Andrea Erard, Town Attorney

Also Present: Jonathan Blair Wilson, Wilson Engineers, LLC
Paul White, P.W. White Development, Inc.

II. Review of Agenda

There were no changes to be made to the agenda.

III. Organizational Meeting

A. Election of Officers

Ms. Erard opened the floor for nominations for Planning Commission Chairman for 2022. Mr. Vadas made a nomination for Mr. James Brockwell to continue as the Chairman. All in favor responded "Aye." No one opposed. Mr. James Brockwell will continue as the Chairman of the Planning Commission for the 2022 year.

Ms. Erard opened the floor for nominations for Planning Commission Vice- Chairman for 2022. Mr. Hudson made a nomination for Ms. Britney Ball to continue as the Vice-Chairman. All in favor responded "Aye." No one opposed. Ms. Britney Ball will continue as the Vice-Chairman of the Planning Commission for the 2022 year.

Ms. Erard handed the meeting over to Ms. Ball.

Vice-Chairman Ball asked if there were any nominations for recording aide for the Planning Commission. Mr. Vadas made a nomination for Shari Carnell to continue to serve as the recording aide for the Planning Commission. All in favor responded "Aye." No one opposed. Ms. Shari Carnell will continue as the recording aide of the Planning Commission for the 2022 year.

B. Set Meeting Date and Time

Vice-Chairman Ball asked if there was a motion for the Planning Commission meeting date and time. Mr. Vadas made a motion for the Planning Commission meetings to continue on the first Wednesday of each month at 5:00 p.m. Mr. Daniel seconded the motion. All in favor responded "Aye." No one opposed. Motion carried.

IV. Citizens Address the Commission

Vice-Chairman Ball opened the floor to any citizen to address the Planning Commission. There being none, the citizens address portion of the meeting was closed.

V. Public Hearing

A. Case# SUB-2021-01, Magnolia Meadows Section #3

Ms. McGowan stated the Community Development Office has received a preliminary subdivision plat and plan of development from P.W. Development, Inc., Magnolia Meadows, Section 3, consisting of 43 lots and 2 common areas. The property is located between Bagby Street and East Magnolia Avenue. The plat has been prepared by Wilson Engineers, LLC. Mr. Wilson of Wilson Engineers, LLC and Mr. White of P.W. Development, Inc. were present if the Planning Commission had any questions for them.

Vice-Chairman Ball opened the public hearing.

Mr. Wilson to speak on behalf of the proposed project.

Mr. Wilson stated, "P.W. Development, Inc., and Wilson Engineers, LLC are seeking approval from the Planning Commission for the preliminary subdivision plat before moving forward with the final construction plans and final plat for this project. An initial review has been conducted by the Town of West Point staff, VDOT, DEQ, storm water, & HRSD with verbal comments that will be put into written comments this week. None of the comments made will affect the subdivision plat."

Vice-Chairman Ball closed the public hearing.

Ms. Erard advised that the only discussion before the Planning Commission is whether the preliminary subdivision plat meets the requirements of the ordinance. The plan of development will come before the Planning Commission for approval at a later date. The Planning Commission is just making a recommendation for the process to proceed on the subdivision plat.

Planning Commission members did have questions that will be discussed when they are presented with the plan of development for Magnolia Meadows. Mr. Vadas proceeded with his questions.

Mr. Vadas asked, "When will the Planning Commission members have the opportunity to ask these questions when the final plat is submitted?"

Ms. McGowan responded, "The final plat will be presented to Town Council. The Planning Commission is just making a recommendation for the process to proceed on the subdivision plat."

Mr. Vadas asked, "When the Plan of Development is complete where does it go?"

Ms. McGowan replied, "The Plan of Development will be presented to the Planning Commission for approval. It is a vacant property per the ordinance it will be reviewed before the Planning Commission. The public hearing that is advertised for this meeting is just for the subdivision plat."

Mr. Hudson stated, "If you have a question about the subdivision, it should be asked when the Plan of Development is before the Planning Commission."

Ms. McGowan responded, "Yes."

Mr. Vadas stated, "Applicant purposes 10' easement for public purposes to the Town of West Point. 20' drainage and utility easement dedicated to the Town of West Point. Where is the 10' easement located?"

Mr. Wilson referred to page 205 on the preliminary subdivision plat in the Planning Commission packet that showed an easement located at Wagner's Way Road and Pointers Drive. Mr. Wilson stated, "If the Planning Commission members have questions about the Plan of Development to inform Ms. McGowan and when the time comes he can answer those questions and make revisions as needed."

Mr. Vadas asked, "Didn't the Planning Commission address this problem ten years ago? There was a lagoon called for on the left side of the property."

Mr. Wilson responded, "That was a different developer with another engineering firm who prepared those plans. The design the firm had showed a storm water facility in the wetlands. This is a new layout. The waterline runs from the school to Industrial Park. The water services are already installed for Pointers Drive right of way in the corridor which is also the location of the easement."

Mr. Vadas states, "The width of the drainage on the North side. A new 20' drainage on the easement from the Northeast end of the property. Lot 1 is connected to the drainage easement and the 20' utility easement."

Mr. Wilson replied, "That is correct. There is a rear lot drainage system that drains from lots 1-7 into a common area where a stormwater management facility and storm gage outfall. There will also be a 20' interior easement in the subdivision along lots 40 through 43. There are existing easements that exist for drainage installations around the perimeter of the subdivision that collects the runoff on this site within the publicly dedicated easements."

Mr. Vadas stated, "I have some questions about terms, subdivider. I assume that is Mr. White."

Mr. Wilson responded, "That is correct."

Mr. Vadas continued, "His designated agent? It talks about the homeowner's association. Documents will be submitted to the agent for approval prior to..."

Ms. McGowan responded, "The designated agent would be me, the subdivision agent."

Mr. Vadas stated, "This is not pursuant to this discussion but when a homeowner's association has formed, they would plan what would be done in the commons area. There are no other plans for the commons area?"

Mr. Wilson replied, "That is correct, the preliminary Plan of Development shows the common areas with stormwater management based in constructed wetlands basin and wooded areas that are to be conserved. The forested area is to be conserved as open space then open field areas that are within the common area be allowed to reemerge as forested supplemented with Department of Forestry acquired seedlings to help that process along so the intent is that the common areas have a management facility the rest is open forested land. There is no intention of putting playground equipment or anything of that nature in the commons areas. In the future if the homeowner's association decides that type of amenity they would be required to report to the Department of Environmental Quality (DEQ) to receive approval due to this area being forested and the area is where runoff is filtered."

Mr. Vadas asked, "Why is there a 10' setback in the commons area?"

Mr. Wilson replied, "It is still considered a lot, so it is still subject to setbacks."

Mr. Hudson made a motion to recommend approval to Town Council of the preliminary subdivision plat prepared by Wilson Engineers, LLC, on behalf of P.W. Development, Inc., titled Magnolia Meadows, Section 3, consisting of 43 lots and 2 common area, subject to comments from Hampton Roads Sanitation District, West Point Public Works, Department of Environment Quality, and Virginia Department of Transportation. Mr. Daniel seconded the motion. Mrs. Glidewell abstained from the vote. All in favor responded "Aye." No one opposed. Motion carried.

B. Ordinance 02-2021, Homestay

The Community Development Committee has asked the Planning Commission to review residency status for homestays and to report back with a recommendation.

The Town Attorney stated this text amendment was made for clarification purposes around the requirements of the ordinance due to the last homestay special use permit application that was submitted. The Community Development Committee requested that an ordinance be prepared and sent to the Planning Commission that did not require the owner to reside on the property. This text amendment can be recommended, not recommended, or changes can be suggested to Town Council.

Vice-Chairman Ball opened the public hearing. There was no one present to speak for or against Ordinance 02-2021, Homestay. Vice-Chairman Ball closed the public hearing.

The Planning Commission discussed the following:

Mr. Hudson stated that Town Council had discussed the residency issue and Council is not of one mind on it either. The residency requirement ordinance should read exactly as it is intended to be interpreted; Companies that buy homes for the sole purpose of renting them out as homestays as a business which present a conflict for lower- and middle-income housing making homes unavailable to people who need those house; Impacts that this would have on the Town of West Point; Zoning districts VRBO and Air bnb's are designed best for and which zoning districts should not allow VRBO and Air bnb's.

Mr. Daniel asked, "How would you limit that? I didn't think about that, because I researched it today, about companies buying it out. How would we as a Town stop it?"

Mr. Hudson stated the Town could not limit how many houses a company could buy but a recommendation for the residency requirement for a homestay would restrict companies from buying houses for business purposes.

Mrs. Sikes stated this is the same discussion that we had about the Vranian special use application.

Mr. Edwards advised if this were to change, would that type of application become acceptable? Currently the way the ordinance is written and the way the Planning Commission voted was that the ordinance was interpreted the way it reads that it requires you to live there. This would change the results of that if the requirement stated that an applicant did not have to live on the property. If the requirement was changed then an application like the Vranian application would meet the ordinance and would be subject to conditional use. All special use permits are required to come before the Planning Commission and Town Council, and it will be decided what the right conditions should be and if those conditions can be met by the applicant. Therefore, the draft has been presented to the Planning Commission for consideration and discussion for recommendation.

Mr. Vadas replied he would like to see no changes made to the current ordinance for the other residential areas. The only changes should apply to the downtown residential areas. Mr. Vadas stated, "Downtown is where it's happening." Mr. Vadas explained there is a VBRO property owner who currently resides downtown who is in the process of buying another house also located downtown so that one of the properties can be a full time VBRO business and the downtown area would benefit most from this change.

Ms. Glidewell stated, "I think it needs to be one way or the other, not okay in this section. This section okay." The example given was the downtown zoning district have lots that are smaller and closer together where in the R-1 zoning district the lots are larger and visitors coming and going would not be noticed.

Mr. Vadas replied, "I just think the downtown area should be looked at differently than the other residential districts, it's a different make up, it's more attractive to the VBRO type thing but this is where people want to stay for the weekend would be downtown and I mean whereas in residential districts. I think you're going to run into the same complaints that we did on the last application that in a quiet residential area, R-1 that they are not going to want you know a home where weddings are going on every weekend. I just think that the Town is a different situation." The same complaints that the Planning Commission heard from the previous public hearing from adjoining property owners in other residential zoning districts not being a permanent resident will resurface where homeowners do not want to live next door to a business that has weddings on the weekends.

Ms. Glidewell asked Mr. Vadas if he had asked other people who lived downtown about the homestay and Mr. Vadas stated that he had not.

Mr. Daniel stated, "Even if you don't use it as a wedding venue, if it's just a VRBO where you're renting a house it's not going to be a lot of comings and goings. I mean you're not coming here to go to the beach." Mr. Daniel explained that individuals who come to the town to rent VRBO's are not here for a main attraction. They are here to visit places like Colonial Williamsburg, Busch Gardens or Kings Dominion due to the town's location to these places.

Mr. Vadas stated that he still has an issue with a home in the other residential zoning districts not being a permanent resident. Mr. Vadas also stated he had issues with the 29 days, the Town not receiving any income from the BRBO's/ Air bnb's and questioned why recreational vehicles/ trailers parked on the adjoining street was omitted?

Ms. Erard replied she used the original ordinance and Mr. Vadas suggested a definition for agent to be added to the current ordinance.

Vice-Chairman Ball closed the public hearing.

Mr. Daniel made a motion to recommend approval of Ordinance 02-2021, Homestay to Town Council which states a homestay does not need to be a residence of the property owner and Chapter 70, "Zoning," Article XXX "Homestay Regulations" shall be amended to reflect that change.

No one seconded the motion.

Motion Failed.

Ms. Glidewell made a motion to not recommend Ordinance 02-2021, Homestay to recommend to Town Council a homestay does not need to be a residence of the property owner and which states Chapter 70, "Zoning," Article XXX "Homestay Regulations" shall be amended to reflect

that change. Mr. Vadas seconded the motion. Upon roll call vote Mrs. Glidwell, Mr. Vadas, Vice-Chairman Ball, Mrs. Sikes, and Mr. Hudson all voted "Aye." Mr. Daniel voted "Nay."

Mr. Vadas made a motion recommending Town Council consider and address the following items in the Homestay Ordinance.

Motion carried.

- Consider the current version of the revised Homestay Ordinance in the downtown district only.
- Changing the 29 days stay to a 14 day stay.
- Definition of agent.
- Re-visit the discussion of recreational vehicles / boats parking on adjoining streets.
- Clarify as to whether a property owner must reside on the premises to have a homestay.
- Transient tax.

Ms. Glidwell seconded the motion. Upon roll call vote, Ms. Glidwell, Mr. Daniel, Mr. Vadas, Vice-Chairman Ball, Mrs. Sikes, and Mr. Hudson all voted "Aye." No one opposed. Motion carried.

VI. Committee Reports

Mr. Hudson and Mr. Edwards both reported that Town Council met on December 21, 2021. The annual budget process has begun and department heads are to provide proposed budgets to the town manager for the upcoming fiscal year. VDOT and the County gave a presentation to Town Council on for the Town and will need to have further discussion with Walgreens about this project for traffic improvements on Main Street between 14th and 16th Streets to reduce accidents. King William has a new County Administrator. The town will be hiring a full-time paid Fire Chief. The town will be holding interviews to fill the position for Fire Chief soon.

VII. Adoption of Minutes

Mrs. Sikes made a motion to adopt the minutes from the September 1, 2021, Planning Commission meeting with changes mentioned. Mr. Vadas seconded the motion. All in favor responded "Aye." No one opposed. Motion carried.

VIII. Motion to Adjourn

Vice-Chairman Ball adjourned the meeting.



Vice-Chairman Britney Ball
West Point Planning Commission

Commissioner's Terms

James Brockwell (C)	843-2485	9/30/22	brockwellseptic@gmail.com
Britney Ball	843-7438	6/30/23	britney.ball@gmail.com
Stuart Daniel	843-3082	9/30/25	sddaniel14@msn.com
James H. Hudson	843-3262	12/31/22	jhudson@wes-point.va.us
Mary Montague Sikes	843-3284	9/30/24	monti7olen@verizon.net
James E. Vadas	843-4082	9/30/24	jimvadas@yahoo.com
Teresa Glidewell	514-4296	9/30/25	tglide61@gmail.com