

**TOWN OF WEST POINT  
PLANNING COMMISSION  
JUNE 5, 2019**

**I. Call to Order**

The West Point Planning Commission held its regularly scheduled meeting on Wednesday, June 5, 2019. Chairman Brockwell called the meeting to order.

Members Present: James Brockwell, Chairman  
Stuart Daniel, Vice-Chairman  
James Vadas  
Mary Montague Sikes  
Don Perry

Members Absent: James Hudson, III  
Britney Ball

Also Present: Holly N. McGowan, Director of Community Development  
Andrea Erard, Town Attorney  
Shari Carnell, Recording Aide

**II. Review of Agenda**

Chairman Brockwell asked if there were any changes to the agenda. There were no changes.

**III. Citizens Address The Commission**

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

**IV. Public Hearing**

**A. Public Hearing on Special Use Permit Case # SUP2019-01, Damon D. Horsley- Bed and Breakfast.**

Damon D. Horsley submitted a special use permit application to the Community Development office to operate a bed and breakfast at 529 5th Street. This is a standard application for a bed and breakfast that is allowed in the R-4 zoning district. Approval will bring this bed and breakfast into compliance. The same conditions will apply to this application as they have in the past for bed and breakfast establishments. The conditions are as follows:

1. The dwelling shall be rented for short term weekends or week long rentals as a guest house or vacation rental;
2. There shall be no off-premise directional signs advertising this business.

Chairman Brockwell opened the public hearing. Damon D. Horsley came forward to speak on behalf of the application that was submitted. Mr. Horsley stated that he would like for this bed and breakfast to be a home away from home. There will be no cooking, and there will be no food being served. This would be for short term stays only.

Mr. Vadas asked for clarification on where the house was located. Mr. Horsley responded that the house is facing the river; it is the last house on 5th street.

Chairman Brockwell asked if there were any more questions for Mr. Horsley. There being no further questions, Chairman Brockwell closed the public hearing.

Mr. Daniel made a motion for the Planning Commission to recommend approval to Town Council for special use permit SUP2019-01, Damon D. Horsley, to operate a bed and breakfast located at 529 5th Street subject to conditions listed in the staff report dated May 1, 2019.

Mr. Perry seconded the motion. Upon roll call Mr. Daniel, Mr. Vadas, Mr. Brockwell, Ms. Sikes, and Mr. Perry all responded "Aye." No one opposed. Motion carried.

B. Public Hearing on Special Use Permit Case # SUP2019-02, Baylands Family Credit Union-Electronic Display Sign.

The Community Development office received an application submitted by Baylands Family Credit Union to erect an electronic display sign in the B-1 Zoning District. Electronic display signs are permitted in the B-1 Zoning District provided that a special use permit shall be required.

Chairman Brockwell opened the public hearing. Representative Wayne Thomas from Baylands Family Credit Union was present to answer questions from the Planning Commission. Mr. Brockwell asked if this application was for a new sign or if it was for an existing sign that was erected and the request is for the variance that would make the sign compliant. Mr. Thomas answered him by stating that the request is for the variance to make the existing sign compliant. Mr. Vadas asked if the existing sign would need to change from its current setting to accommodate the approved restrictions. Mr. Thomas stated that nothing needs to be changed setting wise. The message changes every 15 seconds and is operating according to Town guidelines for an electronic sign display. The same conditions will apply to this application with the conditions that were approved by the Town. The conditions are as follows:

1. Maintain in good operating condition;
2. Only Commercial messages related to the business onsite or any other business owned by the same person or entity shall be displayed on the sign;
3. Notice of events in the West Point Community sponsored by a non-profit and or governmental messages shall be displayed on the sign;
4. The sign shall not be angled towards any residential areas and the sign cannot be relocated to any other place on the property;

5. Animation shall comply with Virginia Department of Transportation law requirements;
6. The sign shall minimize light pollution.

Chairman Brockwell asked if there were any more questions for Mr. Thomas. There being no further questions, Chairman Brockwell closed the public hearing.

Mr. Perry made a motion for the Planning Commission to recommend approval to Town Council for special use permit SUP2019-02, Baylands Family Credit Union to erect an electronic display sign located at 2004 Main Street, with the conditions that were approved for all electronic display signs.

Mr. Daniel seconded the motion. Upon roll call Mr. Daniel, Mr. Vadas, Mr. Brockwell, Ms. Sikes, and Mr. Perry all responded "Aye." No one opposed. Motion carried.

#### C. Public Hearing on Rezoning Application Case# RZ2019-02- Mark & Debbie Davis

The Community Development office received a rezoning application submitted by Mark and Deborah Davis. The applicants would like to rezone the property that they just purchased from an R-4, Downtown Residential to B-2, Central Business district located at 313 6th Street. The property was previously owned by Paul Julian Hanks.

Chairman Brockwell opened the public hearing. Mark Davis came forward to speak and answer any questions from the Planning Commission. Mr. Davis stated that currently he and his wife Deborah reside at 311 1st Street in West Point. Mr. Davis then provided packets that he put together to help the Planning Commission see that all houses on the North side of 6th Street facing the South are in the B-2 and B-3 zoning district except for this house located at 313 6th Street. The map he handed out from the King William Courthouse shows properties from Kirby to Lee along 6th Street that are businesses, but 311 is still zoned residential. Mr. Davis continued that for the past 5 years he has had a home occupation that consists of financial insurance and consulting and now he would like to improve upon his business by creating a business atmosphere and staying true to the Town's atmosphere. Mr. Davis stated that he has temporarily moved into the business center on Main Street but the fact that the type of clients that he has are older residents, parking as well as mobility at the business center is problematic.

Mr. Daniel asked what the square footage of the house was. Mr. Davis stated that it is 864 square feet. Mr. Vadas asked if this rezoning application was approved would Mr. Davis come back before the Planning Commission for signage. Mr. Davis stated that yes he would need signage. Ms. McGowan told the Planning Commission that Mr. Davis would not need to appear before Planning Commission for the sign, but that he would need to apply for a zoning permit for the sign. At the time that the application was made, the property belonged to Paul J. Hanks, so Mr. Hanks originally signed the zoning application when the application was submitted and currently Mark and Deborah Davis are the owners of the property. The certified adjoining property owner letters went out prior to the final paperwork before the sale was complete.

Mr. Davis stated that having his business at this location would not cause any problems to neighboring businesses or homes. Mr. Davis said that the way he schedules appointments with his clients would allow for 2 to 3 vehicles at a time to be parked at this location and would not interrupt traffic flow.

Chairman Brockwell asked if there were any residents that wished to speak for or against 313 6th Street being rezoned from R-4 to B-2 to come forward and state their name and address and a brief message in response to the application.

Charlotte Scanlan, 326 6th Street stated that this downtown residential area wasn't always zoned business and that years ago the West Point Fire House was how far the business district stretched. Ms. Scanlan would like to know if this location was to be changed to a B-2 zoning district what would happen if Mr. Davis decided to sell the business and new companies were to purchase it. What kind of guarantee would the residents on 6th Street have that they would be able to park in front of their homes? Currently the situation is already difficult to where most home owners on 6th Street have to wait until after business hours to run errands because there is no guarantee that someone isn't going to park in front of their house. Ms. Scanlan continued that if changing this location to a B-2 is going to require additional parking then she is against it. Other than the parking concerns, Ms. Scanlan is fine with the change.

Mr. Davis stated, in response to Ms. Scanlan's concerns, that he does own both lots, and if he needs to, he could convert the second lot into a parking lot. Ms. Scanlan stated that she would support it.

Chairman Brockwell asked if anyone else would like to speak for or against the rezoning of 313 6th Street. There were no other residents that wished to come forward. Chairman Brockwell closed the public hearing.

Mr. Vadas made a motion to recommend approval to Town Council of the rezoning application, RZ2019-02, submitted by Mark & Deborah Davis, from R-4, downtown residential to B-2, central business, located at 313 6th Street.

Mr. Perry seconded the motion. Mr. Brockwell abstained from the vote. Upon roll call Mr. Daniel, Mr. Vadas, Ms. Sikes, and Mr. Perry all responded "Aye." No one opposed. Motion carried.

## **V. Old Business**

### **A. Text Amendment- More than one main dwelling on a lot.**

Ms. McGowan addressed Chairman Brockwell stating that the Planning Commission had a public hearing on this item previously and that the Planning Commission requested that the Community Development office review the drafted language, and make a recommendation for Town Council. Mr. Redd attended the Community Development meeting and has some ideas that he believes should be incorporated into the drafted language. The Community Development committee would like for the Planning Commission to listen to Mr. Redd's concerns and consider different language and a second recommendation.

Mr. Charles T. Redd, 690 River Rd., came forward to address the Planning Commission. Mr. Redd stated that 12 years ago a large property with a single family dwelling on the lot was for sale. Someone purchased this property and built another single family dwelling behind it, and

connected the two dwellings with a screen porch. This resulted in 2 single family dwellings on 1 single family dwelling lot. There are several lots in town that are large enough to accommodate 2 single family dwelling on a single lot, and he is concerned that this very incident could happen again. Mr. Redd stated that the town needs to address this issue so that this does not happen in the future. Mr. Redd would like for the drafted language to read: "On any single family lot, no additional single family dwelling shall be permitted if a single family dwelling already exist on the lot. Attaching the additional single family dwelling to an existing single family dwelling does not create one single family dwelling." Mr. Redd Believes that the language should be very simple and to the point. Mr. Redd asked the Planning Commission to please consider revising the language again. Mr. Redd stated that the Community Development office was pleased with his insight, and is looking for the Planning Commission's approval for recommendation.

The Planning Commission discussed how to incorporate restrictions that are more simplistic for future town employees to implement by staying true to the Town's original intention for properties in West Point. The way that the ordinance is currently written, it is clear to the current staff but to future employees it may look open to interpretation. Mr. Vadas asked how this would apply to the Mixed Use district. There are 3 parcels in the MU-1 district that are left to build on, and a percentage of them would have to be residential and a percentage would have to be commercial. Mr. Redd stated that the way it is written now the word in the ordinance that says "detached" is what leads people to believe that it is applicable to attach 2 single family dwellings by building a porch between the 2 to connect them making it 1 single family dwelling.

The Town Attorney Ms. Erard made a suggestion for the Planning Commission's consideration and Mr. Redd stating "Upon any lot zoned for single family residential, all applicable requirements of the zoning district must be met. No additional single family dwelling shall be permitted on a lot where a single family dwelling already exists on the lot. Additions to the single family dwelling are permitted and no addition shall be constructed so as to have the effect of permitting more than 1 single family dwelling. Attaching or combining 2 single family dwellings on a single lot by any means is not permitted." Ms. Erard stated they by wording the proposed language in this way if residents or contractors try to be creative it gives the director of Community Development and the Building Official an allowance to deny the application because it is not a permitted use. Also, the proposed language would cover new and existing single family dwellings.

Chairman Brockwell asked about having a public hearing on this matter and reviewing the new drafted language as a whole for more than one single family dwelling on a lot next month. If the Planning Commission were to meet next month the meeting date would be July 3, 2019. The Planning Commission members stated that majority of the commissioners would be out of town for the 4th of July holiday. Chairman Brockwell made a motion that due to vacation plans to move this public hearing to the August 7, 2019 Planning Commission Meeting. Mr. Daniel seconded the motion. Upon roll call Mr. Daniel, Mr. Vadas, Mr. Brockwell, Ms. Sikes, and Mr. Perry all responded "Aye." No one opposed. Motion carried.

#### B. Vacation Rental by owner, Air B-N-B, and Bed and Breakfast

The Community Development Committee has asked the Planning Commission to review Air B-N-B's and VRBO's and to report back with a recommendation. The Community Development Committee would like to amend the ordinance for the bed and breakfast and replace it with an ordinance recommendation to include Air B-N-B's, Bed and Breakfasts,

and VRBO's with definitions and to allow them as a permitted use provided that a special use permit be required as they are for bed and breakfast in the R-1, R-2, R-3, R-4, and MU-1 zoning districts.

The drafted language that is being proposed states, "Air B-N-B's, Bed and Breakfast establishments, Vacation Rental by Owner, and the like, provided that a special use permit shall be required as set forth in article XXII of this chapter." The language is drafted as an option to add to the town ordinance as a new article, or it can be added to the zoning ordinance. Due to the use of a special use permit being required, Chairman Brockwell believes it should be placed in the zoning ordinance. The Planning Commission will review new drafted language that will be added to an article at the end of zoning ordinance and change it to include homestay to cover all the like, and the Planning Commission will review the drafted language at the August 7, 2019 Planning Commission meeting with changes.

#### C. Comprehensive Plan

The Community Development office has made changes to the Comprehensive Plan, and Reverend William Palmer assisted with the revisions that were made for the history of the Town and important links that were previously discussed were added to Comprehensive Plan. The Planning Commission has already held a public hearing for the Comprehensive Plan.

Mr. Vadas stated that he would like for page 8 of the Comprehensive Plan to expand on the fact that the Town has deep water access, and is a deep water port. Planning Commission members agreed.

Mr. Vadas made a motion to recommend approval of the Comprehensive Plan with changes to Town Council. Mr. Daniel seconded the motion. Upon roll call Mr. Daniel, Mr. Vadas, Mr. Brockwell, Ms. Sikes, and Mr. Perry all responded "Aye." No one opposed. Motion carried.

#### VI. **New Business**

There was no new business to be discussed.

#### VII. **Committee Reports**

Mr. Daniel stated that the Wetlands Board did not have a meeting this month.

Mr. Hudson was absent and unable to give a committee report for Town Council so Ms. McGowan stated that at the last Town Council meeting a resolution was presented to Ms. Joanie Gordon for her many years of service working for the Town of West Point.

#### VIII. **Adoption of Minutes**

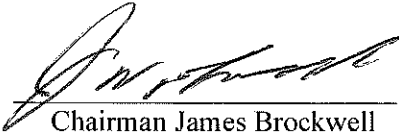
Mr. Vadas made a motion to adopt the minutes from the April 3, 2019 Planning Commission meeting. Mr. Perry seconded the motion. Upon roll call Mr. Daniel, Mr. Vadas, Mr. Brockwell, Ms. Sikes, and Mr. Perry all responded "Aye." No one opposed. Motion carried.

IX. **Next Meeting Date**

The next meeting date is set for August 7, 2019

X. **Motion to Adjourn**

Chairman Brockwell Adjourned the meeting.



Chairman James Brockwell  
West Point Planning Commission

Commissioner's Terms

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