

MINUTES  
WARSAW PLANNING COMMISSION  
REGULAR MEETING & JOINT PUBLIC HEARING  
FEBRUARY 6, 2020 – 7:00 P.M.

The regular meeting/public hearing meeting of the Warsaw Planning Commission as well as a joint public hearing with the Warsaw Town Council was held on Thursday, February 6, 2020 at 7:00 p.m. in Council Chambers at 78 Belle Ville Lane, Warsaw, VA. Council Members Present: Mayor Randall L. Phelps, Vice-Mayor Paul G. Yackel, Ogle E. Forrest, Sr., Jonathan B. English, Ralph W. Self, Rebecca Hubert, and Faron Hamblin. Council Members Absent: Auriel W. Diggs

Planning Commission Members Present: Chairman Gary Palmore, Vice-Chairwoman Elizabeth F. Franklin, Mary Beth Bryant, Barbara Jean LeFon, and Town Council Liaison Jonathan B. English. Commission Members Absent: Regis Slaw. Hannah Tiffany submitted her resignation of her Planning Commission appointment.

Town staff present: Town Manager Joseph N. Quesenberry, Community Development Specialist Melissa Coates, Officer Max Sanchez, and Treasurer and Clerk Julia Blackley-Rice. Others present: Sara Carroll, Deanna and Daniel Jackson, Drew and Sidney Sanders, Bobby and Kelly Walters, Leon and Danielle Price, Robbie Barrack and Rex Jones, Tracy White, and Janice Garland.

CALL TO ORDER & PLEDGE OF ALLEGIANCE

Mayor Phelps called the Town Council public hearing to order and Gary Palmore called the Planning Commission regular meeting and public hearing to order at 7:00pm. Mayor Phelps then led the Pledge of Allegiance.

APPROVAL OF AGENDA

The agenda was placed before the members of Town Council and Planning Commission. Upon review of the agenda, Councilman Forrest moved to approve the agenda as presented. The motion was seconded by Councilman Self and carried with the following votes.

Randall L. Phelps	Aye	Paul G. Yackel	Aye
Ogle F. Forrest, Sr.	Aye	Faron H. Hamblin	Aye
Rebecca Hubert	Aye	Jonathan B. English	Aye
Ralph W. Self	Aye		
Gary Palmore	Aye	Elizabeth F. Franklin	Aye
Mary Beth Bryant	Aye	Barbara J. Lefon	Aye
Jonathan English	Aye		

JOINT PUBLIC HEARING – PARCEL 16A1(3)B: RESIDENTIAL DUPLEX WITH TRADITIONAL TOWN OVERLAY PROVISIONS:

Chairman Palmore opened the public hearing for Planning Commission members and Mayor Phelps opened the public hearing for Town Council members. Mayor Phelps read the official notice as published in the January 22 and January 29 editions of the Northern Neck News.

PUBLIC NOTICE

The Warsaw Town Council will hold a Work Session on Thursday, February 6, 2020, at 5:30 P.M. in Town Council Chambers located at 78 Belle Ville Lane, Warsaw, VA. Also, the Warsaw Town Council will conduct a joint Public Hearing with the Town of Warsaw Planning Commission at a meeting on Thursday, February 6, 2020, at 7:00 P.M. in Town Council Chambers located at 78 Belle Ville Lane, Warsaw, VA, for the purpose of receiving comments regarding the request for increased density in the R-1 District, pursuant to the Traditional Town Overlay provisions contained in Section 3-5-2 of the Warsaw Development Management Ordinance for the property lying along Gordon Lane within the Town, and designated as tax map #16A1(3)B. The effect of the proposed request would be to permit increased density within the subject property, permitting the construction of a residential duplex, upon certain terms and conditions as contained in the Site Development Plan Review Application submitted to the Town.

Information regarding the above may be examined at the office of the Town Manager, 78 Belle Ville Lane, Warsaw, Virginia, during normal business hours, 8:30 A.M. to 4:30 P.M, Monday through Friday. Additional information can be obtained by telephone at (804)333-3737.

Mayor Phelps opened the floor to the public for comments.

Mr. Drew Sanders spoke attesting that he and his wife have lived at his current residence on Gordon Lane for approximately five years. He wishes to express his displeasure and disappointment of hearing of a conditional approval of this proposed duplex. Mr. Sanders highlights certain definitions of the DMO (Development Management Ordinance), Section 3-1-3A states a R-1 Limited Residential District is a low-density residential area that is limited basically to single unit dwellings providing homes for the residents plus certain additional uses such as schools, parks, churches, and certain public facilities that serve the residents of the district. (The entire definition of 3-1-3A is found in the DMO and is posted in its entirety on the Town's website [www.townofwarsaw.com](http://www.townofwarsaw.com)). Mr. Sanders feels that this article protects the integrity of many of the communities around this town. He understands the proposal was initially approved under the Traditional Town Overlay District zoning. Under 3-1-3G, the Traditional Town Overlay zoning it reads the plan will respect the existing development in the area and maintain and encourage the existing small-scale pedestrian character of the Town. Mr. Sanders inquired from the Planning Commission if they were aware of any other duplexes or multi-family dwellings located in Town in a residential area. Chairman Palmore responded that there was currently a duplex located in the Pinehurst subdivision. Mr. Sanders concluded his time by stating that if the duplex is approved, he feels that Warsaw may be heading in a direction that we don't really want to go. He believes this will open the door to many more duplexes and multi-family dwellings to pop up

on small lots in communities around town. He asks for all Planning Commission and Town Council members to think about a large duplex being constructed on a small lot in your neighborhood or next to your house. He believes this will lead to the eventual overcrowding of our neighborhoods, decrease in property values, and an overall decline of the structure of the neighborhoods that make Warsaw a great place to live for all its citizens.

Mrs. Kelly Walters announced herself as a resident of Warsaw for 23 years, a local real estate agent, and was speaking on behalf of her daughter who lives on Gordon Lane. As a real estate agent, she has seen the negative impact a multi-family dwelling can have on residential neighborhoods. They can cause a decrease in property values among many other things that are negative towards the residents that live there in the homes. One of the beauties of living in a small town is keeping the integrity of the residential neighborhood. A huge part of keeping the integrity is keeping the R-1 zone to single family homes as it was originally intended. Mrs. Walters is proud of all the wonderful growth and redevelopment that is currently happening in Warsaw, but she doesn't want growth to negatively affect the homeowner's in residential neighborhoods. Mrs. Walters added that the duplex that is currently in town, she would assume, was built prior to the current ordinances and would be grandfathered and not subject to current zoning.

Mr. Leon Price spoke as the owner of the subject property. Mr. Price informed members of Planning Commission and Town Council that he and his wife have diligently thought about the process and how to move forward in building a structure for themselves. The duplex is going to be their home, but they have seen the benefits of being able to offer housing. The only rental apartment housing available in Warsaw is two-bedroom housing. Mr. Price is a Class A contractor and is aware of the aesthetics and has gone to great lengths to ensure this duplex fits in with its surrounding community. There are many homes in Warsaw that are rental property. Mr. Price sees this as nothing different as a single home that is rented. The property will look like any other around there, the only difference is that two families will live there. It will not look like a normal duplex. The Prices have put a lot of thought process into the property knowing that they are going to live there also.

Ms. Janice Garland spoke as an out of town resident but is a property owner on Gordon Lane near the proposed duplex site. Ms. Garland states that she opposes the construction of the duplex on Gordon Lane. It will reduce the property value of the surrounding single family and owner-occupied residences. She has recently sold two single family residences that were rental properties to ensure the integrity of that street. Ms. Garland's future plans include downsizing and moving into 103 Gordon Lane; however, she will not do so if the construction of the duplex proceeds. The duplex further perpetuates the increasing disparity between single family and rental homes in this area. Per the most recent comprehensive plan for the Town, 58% single family homes and 42% rental units in 2000. She is certain that number has flipped, and rental property now exceeds private residences by at least two thirds. She would like to raise some questions. She asks, does the comprehensive plan support a town of renters or homeowners? What is your definition of a town? Do you understand the impact of renter mobility on the public-school system that you currently leverage to draw business and industry to this town and county? Additionally, it appears that construction began without ensuring the obligations under the

ordinances. Specifically, the conformity of construction under current zoning regulations. Ms. Garland asks the Commission to reflect on its current written ordinances as well as the implementation of them. Otherwise, such instances may be construed as spot zoning. In conclusion, Ms. Garland restated the fact that she is opposed to the construction of the duplex on the parcel zoned R-1 on Gordon Lane.

Mr. Daniel Jackson spoke as a resident on Gordon Lane. Mr. Jackson informed the Planning Commission and Town Council members that approximately two months ago he had an opportunity to talk to the gentleman who plans to construct the duplex on Gordon Lane. During that conversation, Mr. Jackson learned the property owner was looking to inquire property to build a home for him and his family. The type of home was not specified during this conversation. Mr. Jackson is opposed to this project as his property is adjacent to the lot where the proposed duplex is to be constructed. About two weeks ago, the gentleman contracted to pull soil samples informed Mr. Jackson that a duplex was planned for the site. The property owner intended to live in one unit and would rent out the second unit. Mr. Jackson stated that Mr. Price's long-term plan was to build a duplex in five or six other places. Those rental homes will now become income for him and his own personal residence elsewhere. However, Gordon Lane will be left with rental properties all around the current residents. According to Mr. Jackson, all the residents on the street have up to \$200,000 invested in their home and none of them want a duplex on the street.

With no one else coming forward to speak, Mayor Phelps closed the public comment portion of the joint public hearing.

Chairman Palmore opened the floor for discussion to Planning Commission members. Council Liaison English began by thanking all the speakers. Mr. English posed a question to the Town Manager seeking clarification regarding the R-1 zone and Traditional Town Overlay District (TT). Mr. Quesenberry responded the TT maintains the R-1 limited residential zoning designation for the parcel or area. It is an overlay and was codified in 1996. The Town Council and Planning Commission at that time placed language in the DMO that allows for innovative and creative mixed use and/or higher density developments of the highest quality. The plan of development will carefully incorporate a mix of residential, commercial, and office uses or consist of higher density residential development. The plan will respect the existing development in the area and maintain and encourage the existing small-scale pedestrian character of the Town, promote high standards of design and construction, and implement the goals and objectives of the Comprehensive Plan. The TT covers all lands zoned R-1, R-12, C-1, and C-2. If a citizen or potential resident wants to come to the Town and utilize TT it is available. Mr. English followed-up with an inquiry regarding if the proposed tenants had followed proper procedure. Mr. Quesenberry responded that due to the various decision-making paths, he initially thought approval would be through the Town Manager's office as many plans of development are to be reviewed. Mr. Sanders father brought this to the Town's attention at a previous meeting. After verifying with Town attorneys, we are now completing the public hearing process. Any applicant that comes into the Town Office and has a property zoned R-1, R-12, C-1, or C-2, the language in the zoning ordinance allows them to apply for TT.

Commissioner Bryant stated she is a current homeowner of a duplex in Town. She doesn't see where it has been a detriment to her neighborhood.

Vice-Chairman Franklin feels that a beautiful home has been proposed to be constructed in town. With the addition of the recently constructed townhomes at the end of the street, she feels that any objection to the project should be moot at this point. Ms. Franklin doesn't have much concern that the Town of Warsaw will be overrun with duplexes as available building lots are becoming scarce. Ms. Franklin added there is no three-bedroom rental housing currently in town. She does not see this project as a negative for the town.

Commissioner Lefon stated she has mixed feelings concerning the project. Commissioner Lefon stated that Vice-Chairman Franklin made valid points concerning housing in town and the picture of the proposed home is lovely. But, as a realtor, Commissioner Lefon has seen the negative aspects multi-family or duplex housing can have on sales in the area. In fact, a previous client did not want to see a home for sale on Wallace Street due to the apartments located there. It is a tough decision; you want to please everyone but that can't happen in this case.

Chairman Palmore stated he has always been an advocate of owners rather than renters. This project seems to have a combination of the two. With this project, he does feel better with the owners living in one of the units.

Council Liaison English stated he has read through the DMO several times and he is unable to find anything that states this project can't happen. Chairman Palmore agreed that it seems to be a legal use of the property. Per Mr. English, according to the residential density it states that residential density shall not exceed three units per developable acre. This project only contains two units.

Vice-Chairman Franklin moved to recommend to Town Council to approve the use of Traditional Town Overlay regarding construction of a proposed duplex on Parcel 16A1(3)B. The motion was seconded by Commissioner Bryant and carried with the following votes.

Gary Palmore	Aye	Elizabeth F. Franklin	Aye
Mary Beth Bryant	Aye	Barbara J. Lefon	Aye
Jonathan English	Aye		

With the Planning Commission's recommendation recorded, Mayor Phelps noted for the record that the public hearing was closed. With hearing from the property owner, neighbors, and Planning Commission, Mayor Phelps opened the floor to councilmembers for discussion.

Vice-Mayor Yackel had an opportunity to drive on Gordon Lane to see the lot. He wanted to try to place himself in the shoes of the homeowners on Gordon Lane. He stated if he lived on Gordon Lane, he wouldn't want a duplex on the street either. Vice-Mayor Yackel stated just because the Town has the ability to allow it, doesn't mean it is the right thing to do. The purpose of the public hearing is to find out how the homeowner's around the site feel towards the project. They are

the ones who will be affected. None of the Town Councilmembers are going to be affected by the decision. Vice-Mayor Yackel shared he will vote alongside the residents in the area.

Councilman Self stated that feelings are going to be hurt no matter how this project is decided. Mr. Self has always said he would vote in accordance with the people of the Town and what is good for them. He is siding with current residents being that everyone in the neighborhood is against having a duplex. It is a nice lot and a nice home can be constructed there. Councilman Self feels that building a duplex on that lot might not be the best decision.

Councilman Forrest added that some years back a major housing development was proposed to go in right beside him. It was proposed for fourteen houses. That was almost double the number of homes in that area. At the time it was proposed Councilman Forrest had reservations regarding the development. Even though there were issues at the beginning that is not a reflection of the people that moved in. Councilman Forrest continued by adding that we don't know how this project is going to turn out and a lot of judgement now seems to be done before the fact. When this ordinance was passed in 1996 to promote development within the Town. Now that property owner wants to use, we want to stop it. Councilman Forrest feels that council can't turn against an ordinance that council put in.

Councilman Hamblin stated he will do what he feels is in the best interest of the Town. While looking at the plan, he doesn't see anything wrong with the proposed development. It isn't a multi-level duplex and he honestly would not have a problem if it was built on the lot next to him. It is a tough decision as he knows people affected on both sides of the project.

Councilman Hamblin moved to allow the use of Traditional Town Overlay for construction of a proposed duplex on Parcel 16A1(3)B. The motion was seconded by Councilman Forrest and carried with the following votes.

Randall L. Phelps	Aye	Paul G. Yackel	No
Ogle F. Forrest, Sr.	Aye	Faron H. Hamblin	Aye
Rebecca Hubert	Aye	Jonathan B. English	Aye
Ralph W. Self	No		

There being no further business for Town Council, Mayor Phelps adjourned Town Council members at 7:35pm. After a brief intermission, Chairman Palmore resumed the remainder of the Planning Commission's regular meeting at 7:42pm.

Council Liaison English moved to approve the minutes as presented. The motion was seconded by Vice-Chairman Franklin and carried with the following votes.

Gary Palmore	Aye	Elizabeth F. Franklin	Aye
Mary Beth Bryant	Aye	Barbara J. Lefon	Aye
Jonathan English	Aye		

COMPREHENSIVE PLAN:

Mrs. Coates updated the Commission that money will be allocated in upcoming budget. The Comprehensive Plan update will need to be placed for bid. Vice-Chairman Franklin inquired if the Northern Neck Planning District (NNPDC) is going to assist with the Comprehensive Plan. Mrs. Coates responded that the NNPDC is going to partner with the Town and assist us. There will need to be more meetings than just the regular Planning Commission meetings. We will contribute our ideas and vision and then the NNPDC will help us construct it.

OFFICER ELECTIONS:

Per the By-Laws for the Town of Warsaw’s Planning Commission, the officers shall be elected annually at the first regular meeting of the year. Chairman Palmore opened the floor to nominations for year 2020. Ms. Bryant nominated herself for chairman. Mr. Palmore was also nominated for chairman by Ms. Franklin. The only nomination received for vice-chairman was for Ms. Franklin made by Ms. Bryant. Mrs. Linda Holsinger was nominated for secretary by Gary Palmore. There being no further nominations, Mr. Palmore closed the floor for nominations.

By a unanimous vote, Mary Beth Bryant was elected chairman of the Planning Commission for 2020.

Gary Palmore	Aye	Elizabeth F. Franklin	Aye
Mary Beth Bryant	Aye	Barbara J. Lefon	Aye
Jonathan English	Aye		

By a unanimous vote, Elizabeth F. Franklin was elected vice-chairman of the Planning Commission for 2020.

Gary Palmore	Aye	Elizabeth F. Franklin	Aye
Mary Beth Bryant	Aye	Barbara J. Lefon	Aye
Jonathan English	Aye		

By a unanimous vote, Linda Holsinger was elected secretary of the Planning Commission for 2020.

Gary Palmore	Aye	Elizabeth F. Franklin	Aye
Mary Beth Bryant	Aye	Barbara J. Lefon	Aye
Jonathan English	Aye		

CLOSING COMMENTS:

Commissioner Palmore congratulated newly elected Chairman Bryant. He is sure she will do a great job.

Vice-Chairman Franklin thanked Commissioner Palmore for his service as chairman of the Planning Commission.

Commissioner Lefon thanked Commissioner Palmore for his hard work as chairman of the Planning Commission.

Council Liaison English also thanked Commissioner Palmore for his dedication in service to the Town of Warsaw as chairman of the Planning Commission. In addition, he appreciates hearing from residents in the town regarding any concerns, opinions they may have.

At this point of the meeting the Town Manager requested and was granted a point of personal privilege. Mr. Quesenberry wanted to thank Commissioner Palmore for his service during his tenure as chairman of the Planning Commission. Mr. Quesenberry is looking forward to working with all the officers and the commission body.

There being no further business, Chairman Bryant adjourned the meeting at 7:58p.m.

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Submitted by: Julia Blackley-Rice, Town Clerk