

## PLANNING COMMISSION WORK SESSION

Wednesday, February 17, 2021

Warren County Government Center – Board Meeting Room

The following minutes are a summary of items on the agenda. This meeting may be viewed in its entirety by accessing the video of the same date online via the Town's website at [www.frontroyalva.com](http://www.frontroyalva.com).

### Call to Order

Chairman Jones called the work session to order at 7:25 PM.

### Roll Call

**Present:** Chairman Jones, Vice Chairman Marshner, Commissioner Merchant, Commissioner Gordon

### Work Session Business

- Town Comprehensive Plan

Mr. Wilson said he has spoken with the Director of the Northern Shenandoah Valley Regional Commission (NSVRC) concerning what assistance they could provide in terms of a rewrite of the Comprehensive Plan. They agreed that due to the age of the plan a rewrite was in order. He also spoke with a private planning firm who agreed with the NSVRC that a rewrite was in order. The NSVRC advised him that they did not have enough staff available to take on a project like this and they would have to be augmented with professional services. Either having assistance with a private firm or contracting with the regional commission the average cost for a complete rewrite would be \$100,000. This is in addition to working with the Planning Commission, staff, and incorporate citizen meetings. The rewrite should take a minimum of 12-18 months. Mr. Wilson said he has had two discussions with the Town Manager to spread the cost amongst two budget years. Unfortunately, with the recommended budget there are no monies budgeted for this. He wanted to make a strong pitch for the funding of this plan to be incorporated into the upcoming budget. Perhaps at the next Planning Commission meeting and if the Commission is so inclined, he could develop a motion with a set of reasons why this is an important document, and that funding is extremely important. It is the premiere planning document of a locality. Mr. Wilson noted that we do not have enough in-house staff to do a project like this.

Chairman Jones mentioned that the Planning Commission had worked through three (3) sections of the Comprehensive Plan and asked if staff had access to that information and said that information should be used.

Commissioner Gordon expressed that he would like to have a professional rewrite and noted it would be beneficial to draft a resolution to send to Town Council in support of funding and spelling out exactly what the Planning Commission is looking for them to do.

Commissioner Merchant said the Planning Commission had been working on the Comprehensive Plan since 2015. At that time “Envision” meetings were held which involved citizen groups. IN 2015 the cost was \$52,000 and Town Council did not come through with that money. Town Council talked Mr. Camp into having him and staff do the work and complete the update. Commissioner Merchant expressed concern with the time frame of taking 18 months to do the rewrite and if there is no money in the budget for this fiscal year, money will not become available until 2022 and said that realistically we were looking at 2023 into 2024 to accomplish this.

Mr. Wilson stated that Town Council has a recommended budget from the managers. The budget has not been finalized and he would like to make a push for the funding. Funding coincides with the release of the 2020 census data that will come out in the spring of this year. This summer would be the perfect time to start the process. Mr. Wilson said he would like to see Town Council put some money towards getting started on the update in the next fiscal year budget starting July 1, 2021.

Commissioner Merchant voiced that in addition to creating a resolution he would like to see them come up with a timeframe the Planning Commission could submit with the resolution so that they will know when they can start and what is required of them as a group. There are public meetings, a public website and there are many things that have to occur.

Mr. Wilson agreed and said you have to set out how the project will be done. A big variable in that will be public participation and how much of that they want to incorporate and when.

Commissioner Merchant reiterated the request to have staff create a resolution and schedule of events to present to Town Council. Mr. Wilson said he could have that at the next meeting and would like to receive thoughts from Planning Commission members to be included in the resolution.

- Legal Opinion on the Initiating of Amendments to Adopted Comprehensive Plans – Town Attorney.

George Sonnett, Assistant Town Attorney explained that what he had was more of an update rather than a final product. His final product will basically be a statutory interpretation and will follow what Mr. Wilson’s has already submitted, which he agreed with some time ago. He does not believe any extensive research will be productive on that, its just interpreting state statutes.

- Legal Opinion on the Transferability of Approved Special Use Permits to Other Parties – Town Attorney

George Sonnett, Assistant Town Attorney said that Special Use Permits run with the land. Previously he had opined that they do. It is not a personal right and stays with the land. He has done some research on this but has not finished. Mr. Sonnett confirmed that the statement “Special Use Permits are not transferable to another property” is the current and approved, adopted language in the Town Ordinance.

- Blighted Buildings on Nonconforming Lots – Referral from Town Council for recommendation on regulation changes to aid in repair/reconstruction of blighted buildings.

Mr. Wilson explained that Town Council wanted to become more proactive in trying to remove blighted properties and buildings. Town Council recently passed a new section to the Town Code specifically for that purpose. Taking that action was part of a program widely known as “Taking Pride in Your Community”. It was trying to encourage people who had blighted properties to clean them up, but if they did not there was some regulatory means the Town could use to try to enforce it. Town Council felt there was certain barriers in Town Code that may be working against a property owner or persons ability to correct a blighted building.

Code Enforcement Officer, Chris Brock has found that with many blighted properties the structures are on very small lots and the buildings without exception are nonconforming. Zoning Ordinances tend to want to extinguish nonconformities.

Back in June Town Council referred this matter for recommendation to the Planning Commission to see what their opinions were in terms of the nonconformity provisions. Properties may be restricted by a 50% value rule which can make it very limited. Mr. Wilson provided the Planning Commission with a copy of the “Spot Blight Abatement ordinance”. He also provided the section on “Nonconformity”. In addition, he provided from the Town Ordinance nonconformity in the floodplain district.

Commission members held some discussion on blighted properties. The question was raised as to what the objective of the 50% rule was. Mr. Wilson said it is to put pressure on the property owner to eventually rid the community of nonconformity. He acknowledged that it was a balancing act dealing with private property.

Town Council wants to see the buildings repaired to improve the neighborhoods and to see them remain to revive healthy vibrant neighborhoods. When you get buildings cleaned up the problems of abandoned buildings will subside and improve existing neighborhoods. Mr. Wilson said Town Council would like the Planning Commission to provide their thoughts on taking the nonconformity provision out.

Commission members agreed they would like to see a “red line” version of the proposed changes before coming to a conclusion. Mr. Wilson thought he could have that available at the next meeting.

Vice Chairman Marshner expressed concern that too much standardization could eliminate some properties that add to the unique character of Front Royal and recommended that Town Council explore enterprise zones and other concepts which have been used in some other places as an alternative to the destruction of blighted properties.

*Commissioner Merchant moved to adjourn the meeting.*

The meeting adjourned at 8:39 PM.

*Connie L. Potter*

Connie L. Potter  
Executive Assistant