

**BERRYVILLE AREA DEVELOPMENT AUTHORITY**  
**MINUTES—SPECIAL WORKSESSION**  
**March 30, 2015 – 2:00 pm**  
**Berryville-Clarke County Government Center – Main Meeting Room**  
**101 Chalmers Court – Berryville, Virginia**

A special worksession of the Berryville Area Development Authority (BADA) was held on Monday, March 30, 2015. The worksession was called to order at 2:02PM.

**ATTENDANCE**

Authority members present: Allen Kitselman, Chair; George L. Ohrstrom, II; Kathy Smart; Frank Lee; Douglas Shaffer; Wingate Mackay-Smith<sup>1</sup>

Authority members absent: Jerry Boyles

Staff present: Christy Dunkle, Berryville Assistant Town Manager; Brandon Stidham, County Planning Director; Frank Davis, Fire and Emergency Medical Services Director.

**APPROVAL OF AGENDA**

The Authority voted to approve the agenda as presented.

**Yes:** Kitselman, Lee, Smart (seconded), Ohrstrom (moved), Shaffer

**No:** No one

**Absent/Not Voting:** Boyles, Mackay-Smith

**APPROVAL OF MINUTES**

The Authority voted to approve the February 25, 2015 meeting minutes.

**Yes:** Kitselman, Lee (seconded), Smart (moved), Ohrstrom, Shaffer

**No:** No one

**Absent/Not Voting:** Boyles, Mackay-Smith

**WORKSESSION ON HOUSING POLICIES**

Chair Kitselman began by stating that since the meeting is a worksession, there would not be an opportunity for public comment and that it would be the Chair's prerogative to recognize any members of the audience to speak. He also noted that the purpose of the worksession is to address Town Council's request to study whether the Berryville Area Plan and the Town of Berryville Zoning Ordinance should be amended to allow an additional 60 units of multi-family apartments, but not an expansion of the established

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<sup>1</sup> Wingate Mackay-Smith was appointed by the Board of Supervisors to replace Jerry Boyles, whose term expired March 31, 2015. Ms. Mackay-Smith attended and participated in the meeting but was not eligible to vote on any matters.

300 OPR unit overall limit. He stated that the Authority would accomplish this by evaluating the current draft objectives and policies in Chapter III related to housing types – senior housing and multi-family, but also balancing the need for a mix of all housing types in general; reviewing residential growth as projected in the current plan; review the number of remaining residential units in the Annexation Area compared to the number of units projected in the current Plan; and considering whether additional policies or language should be added. He concluded by stating that following this planning-level discussion of housing policies, they will conclude with a discussion of the BADA's potential recommendation to Town Council. This could include amending the current Plan to increase the total number of multi-family units in Sub-Area 6A by 60 without expanding the 300-unit total currently allowed, or recommending not amending the Plan at this time but continuing to examine this issue and related issues as they proceed through updating the Plan.

Mr. Stidham provided an overview of the excerpts of draft Chapter III pertaining to housing objectives and policies. He said that the members should review the excerpts and determine whether additional language should be added to the draft given the potential senior housing project that is before them. He reviewed a series of questions that were provided by Staff to help facilitate the discussion. Ms. Dunkle reviewed a memo outlining the development that has occurred in the Sub-Areas that allow residential development including an estimate of the number of residential units remaining in each Sub-Area. Ms. Dunkle noted that she included the Fellowship Square project in the memo but that it is not part of the Annexation Area and not subject to review by the BADA.

Mr. Ohrstrom asked whether there are any sunset clauses on the subdivisions that have not been finalized. Ms. Dunkle said that it depends on the project and whether they received preliminary or final plat approval. She added that State code legislation adopted a few years ago provides protection for some projects.

Regarding the single-family unrestricted units, Mr. Ohrstrom asked whether they were in zoning areas that could be changed to duplexes. Ms. Dunkle said that the Fellowship Square property would be the most likely area to change to that use type. Mr. Stidham noted that these residential types could be located in the Institutional Districts in Sub-Areas 1 and 2, and added that the Future Land Use Chart does not list a projected residential unit count for these areas. Ms. Dunkle added that low-to-moderate income housing is permissible with a special use permit in those Sub-Areas at a maximum density of 12 units per acre.

Mr. Stidham then led the members through a section-by-section review of the excerpts from draft Chapter III. Mr. Ohrstrom asked about whether housing language should be included in the Goals. Mr. Stidham noted that he included the Goals in the excerpts in case the members wanted to add a statement about housing in them. He added that it might be better to review all of the excerpts first and then return to the Goals section if the members wanted to add or change the language.

Regarding Objective 3 on Housing, Mr. Stidham asked the members whether they were satisfied with the current language or whether they wanted to add more specific guidance language. Ms. Smart stated that she thought the current language of Policies 2 and 3 were sufficient, and Mr. Ohrstrom and Mr. Lee concurred.

Regarding Objective 4 on Land Use, Ms. Mackay-Smith asked for examples of more specific policies that could be included in this section. Ms. Dunkle stated that you could include language to address senior and income-restricted housing needs or references to demographics. Ms. Mackay-Smith asked whether we had statistics on the number of residents who are below the affordable housing income level. Ms. Dunkle said that there is some census data on this but much of the low-income information is confidential. Mr. Stidham added that you may only have what was collected through the census and this is driven by the number of people who responded to the census. Mr. Shaffer asked if we knew the proportion of those residents that responded to the census that is below the referenced income level, and Mr. Stidham said that they would

have to look at the available data. Ms. Dunkle provided the members with census data that she had assembled for the Town Planning Commission's review. Ms. Mackay-Smith suggested that these figures could be used as a metric for developing affordable housing policies. Mr. Ohrstrom asked whether some percentage of future housing stock should be designated as affordable housing. Mr. Shaffer suggested that some existing housing in the Town may be considered affordable even though they are not designated as such, and setting aside future units may result in an excess of affordable housing. Mr. Lee said that providing adequate housing across income levels is important. Mr. Stidham asked whether the members wanted to further define the term, "adequate housing." Ms. Mackay-Smith and Ms. Smart both noted that there should be metrics or statistics referenced to determine which housing types at which income levels need to be provided for in future development. Ms. Mackay-Smith added that you could create goals for each housing type. Mr. Stidham noted that these goals could have policies to ensure that certain percentages of housing types are recommended, and Mr. Ohrstrom added that this could be used to inform future residential developers. Mr. Stidham said that he noted the term, "adequate housing," and would work on trying to further define it.

Regarding Objective 5 on Public Facilities and Services, members asked for further explanation of the term, "reasonable nexus," under Item C. Mr. Stidham replied that any mitigation measures on off-site facilities that are requested in new development projects should relate to new impacts caused by the development. He provided an example of a new development that would degrade the effectiveness of an intersection two blocks away due to new projected traffic volumes. He said that he would try to re-word this sentence to simplify it.

Mr. Stidham suggested the members return to a review of the discussion questions that were posed in the cover memo and presented at the beginning of the meeting. To aid the discussion, Ms. Dunkle provided an overview of the Town Zoning Ordinance provisions on Older Persons Residential (OPR) zoning. She noted that the non-multifamily housing types allowed in the OPR District are single family detached, duplexes, and single family attached (triplexes, quadplexes, and townhomes). Ms. Smart asked how the residential unit limitations were derived in the original Berryville Area Plan. Mr. Stidham explained how the consultant that developed the original Plan derived the unit limitations by determining a net developable acreage for each Sub-Area and applying their recommended density to the resulting acreage. Mr. Shaffer asked whether the consultant's analysis determined a maximum number of people that could reside in each Sub-Area or a maximum number of units, and Mr. Stidham replied that it is a maximum number of units.

Mr. Ohrstrom asked whether there were limited designated areas in Town that would allow duplexes and quadplexes. Ms. Dunkle said yes and noted these areas on the map. Mr. Lee said that with a maximum of 300 total OPR units, the more that are converted to multifamily the fewer would be available for the other housing types. Ms. Mackay-Smith asked about the numbers of remaining single-family units and multifamily restricted units in the Staff memo, and Ms. Dunkle provided an explanation.

Mr. Stidham reviewed the discussion questions and confirmed the members' intent on each question following the review of draft Chapter III.

The members moved to a discussion of Town Council's direction to the BADA on the Marlyn Development request. Mr. Lee asked about the specific request provided by Council and Mr. Stidham read the resolution. Ms. Dunkle noted that the resolution did not ask the BADA to hold a public hearing on this issue. She also noted that the Town Planning Commission discussed the issue at their meeting the previous week, and that two members of the Commission were present. Mr. Shaffer said that the Commission brought up some of the same questions that the BADA had. Mr. Russell Heikes (Town Planning Commission) noted that the Commissioners were concerned with the availability of a variety of housing

types and whether the community needs an increase in the multifamily housing type. Mr. Shaffer added that the Commission also discussed the impact of additional multifamily housing on emergency services. He said the Commission concluded by saying that the current number of multifamily units is sufficient but that this needs to be an ongoing discussion and possibly addressed in the next Plan update. He noted that there was a concern that providing additional multifamily housing could attract seniors from outside the area as opposed to serving the current community.

Ms. Mackay-Smith asked if there is a percentage of the project that would be income-restricted. Ms. Dunkle said that all but 10% of the units would be reserved for individuals with 60% of the median family income. Mr. Ohrstrom asked how the residents of income-restricted units would have disposable income as asserted in the developer's recent letter. Ms. Dunkle explained how median family income is derived statistically.

The members moved to a discussion of emergency services impacts. Chair Kitselman recognized Fire & EMS Director Frank Davis, who provided an overview of the fee-for-service program. Mr. Ohrstrom asked whether fees are only collected for patients transported to hospitals and Mr. Davis said yes. Ms. Mackay-Smith asked if the fee-for-service program is only for patients with insurance and Mr. Davis said yes pursuant to the Board of Supervisors' soft billing policy. Chair Kitselman asked Mr. Davis what the projected call volume would be to the proposed facility. He said that he did not develop a projection but noted that it depends on the health of the residents. Harold Rohde (Chief, John H. Enders Fire Company) stated that Mary Hardesty House accounts for 4% of the current call volume and given that the Marlyn facility would be twice the size, he projected the proposed facility would account for 8% of the future call volume. Mr. Lee asked where patients are typically transported. Mr. Davis said about 98% are transported to Winchester. Ms. Mackay-Smith asked what percentage of EMS calls require personnel to be dispatched, and both Mr. Davis and Chief Rohde said 100%. Mr. Shaffer asked what percentage of total calls do not require transport, and Mr. Davis estimated 3-5%. Mr. Shaffer also asked what percentage of patients are uninsured, and Mr. Davis said that the national figure is 18%. Ms. Smart asked for the estimated first year revenue for the program and Mr. Davis said a total of approximately \$350,000 county-wide.

Mr. Stidham noted that the next agenda item was to discuss the BADA's desired recommendation to Town Council on the Marlyn Development proposal, and he reiterated the two potential options that were presented by Staff in the meeting materials. Ms. Smart stated that she preferred to move forward with directing Staff to develop a Plan Amendment to the current Plan for the BADA's consideration and public hearing. Mr. Shaffer said that he prefers to complete the review of the Plan and not to consider an amendment to the current Plan to facilitate the Marlyn Development project at this time. He added that he thought the current number of OPR units covers the County's residents well, and that he is comfortable with the current distribution of single family and multifamily units. Mr. Ohrstrom said that he is undecided on the two options. Mr. Lee said that he is fine with the current number of OPR units and he prefers to wait until the Plan update is complete rather than make specific changes now. Mr. Ohrstrom said that if the BADA does not consider an amendment of the current Plan, there should be an effort to accelerate the Plan update process. Mr. Lee said that he did not think this would meet Marlyn Development's timeline but that a considerable amount of work on the Plan has already been completed.

Ms. Dunkle provided an update on what portions of the Plan need to be finished including the remainder of Chapter III and Chapter IV. Mr. Stidham said that the most significant portion of Chapter IV to be completed is the process for considering Plan amendments and updates in the future.

Chair Kitselman said that he is not opposed to this project but that he has the same concerns about the housing types that have been discussed so far. He added that he did not feel whether the question about the adequacy of housing types has been answered so far.

Ms. Dunkle noted that the Institutional Sub-Areas on the west end of town and on Josephine Street allow for a range of housing types for low-to-moderate income residents with a special use permit, and she provided details on these areas. Ms. Smart asked how many age-restricted duplexes and quadplexes there currently are in the Town, and Ms. Dunkle replied that there are none. Ms. Smart made the point that there does not seem to have been any interest to date in constructing these housing types and that they could potentially be developed in the Institutional Sub-Areas. Ms. Dunkle replied that it is unlikely that this would happen in the areas on the west of town unless the Fairgrounds were redeveloped, but that it could occur on the parcel adjacent to Johnson-Williams Apartments. Mr. Shaffer said that many of the surrounding counties provide a variety of housing types and that we may miss the opportunity for a project to develop cottages if the single family units are reassigned to multifamily. He added that Purcellville is adding more cottages in addition to their existing supply. He noted that designating areas for a variety of senior housing types could help attract them and if they are not constructed in the future, it could be a sign that there is not a demand for OPR units. Mr. Lee noted that in looking at other nearby senior communities, it seems like there is a demand for a range of housing types including age-in-place homes rather than just multifamily units. Ms. Mackay-Smith said that she would like to review demographic information and understand how the whole community is going to be planned.

Mr. Ohrstrom made a motion to not consider a Plan Amendment at this time but to attempt to speed up the review process so that the Plan update can be completed in a reasonable amount of time. The motion passed 5-0-1

**Yes:** Kitselman, Lee, Smart, Ohrstrom (moved), Shaffer (seconded)

**No:** No one

**Absent/Not Voting:** Boyles, Mackay-Smith

#### **BOUNDARY LINE ADJUSTMENT REQUEST**

Ms. Dunkle presented the boundary line adjustment request that was filed by Alton Echols and indicated that Staff recommended approval. Ms. Mackay-Smith asked about the reason for the boundary line adjustment and Ms. Dunkle said that it is to enable configuration of utilities.

The membership voted to approve the boundary line adjustment request.

**Yes:** Kitselman, Lee (seconded), Smart, Ohrstrom (moved), Shaffer

**No:** No one

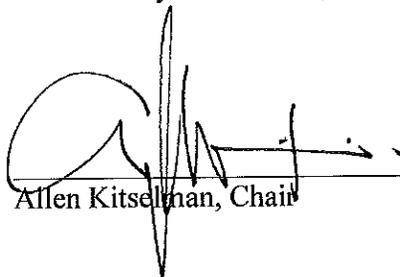
**Absent/Not Voting:** Boyles, Mackay-Smith

Mr. Stidham noted that the next meeting is scheduled for Wednesday, April 22 at 7:00PM. Mr. Ohrstrom said that he wanted to discuss what the membership needs in order to have the demographics discussion. Ms. Dunkle said that the members are looking for general demographic information with income levels. Ms. Mackay-Smith asked how much affordable housing we need to provide. Ms. Dunkle said that this was discussed at a recent Town Planning Commission meeting – she offered 20% but that Mr. Heikes thought this number was high. She added that there is no magic number for a percentage of housing that should be set aside as affordable. Mr. Heikes said that you can get home ownership data by county – in Clarke County, roughly 20% of the population is over the age of 65. He added that he did not think that the proposed multifamily units would be popular with current County homeowners. He also noted that 80% of

the County residents over 65 are homeowners. Mr. Ohrstrom said that he thought it would be easier for fire and EMS to respond to calls in a senior development composed of cottages as opposed to a multifamily development.

Chair Kitselman asked Staff to develop a recommended Plan Amendment process for consideration at the next meeting. Ms. Mackay-Smith said that she would like to see the demographic analysis in the form of a memo that explains what the actual need for senior housing is. She also asked whether there is data on how many single story homes are in Berryville and Ms. Dunkle said that this information is not available.

There being no further business, Chair Kitselman called for a motion to adjourn the meeting. The motion was made by Mr. Shaffer, seconded by Ms. Smart, and approved unanimously by voice vote at 3:30PM.



Allen Kitselman, Chair



Brandon Stidham, Clerk