



BERRYVILLE AREA DEVELOPMENT AUTHORITY
MINUTES—REGULAR MEETING
April 22, 2015 – 2:00 pm
Berryville-Clarke County Government Center – Main Meeting Room
101 Chalmers Court – Berryville, Virginia

A regular meeting of the Berryville Area Development Authority (BADA) was held on Wednesday, April 22, 2015. The meeting was called to order at 7:02PM.

ATTENDANCE

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

Staff present: Christy Dunkle, Berryville Assistant Town Manager; Brandon Stidham, County Planning Director

APPROVAL OF AGENDA

The Authority voted to approve the agenda as presented.

Yes: Kitselman, Lee, Smart (seconded), Ohrstrom (moved), Shaffer; Mackay-Smith

No: No one

Absent/Not Voting: No one

APPROVAL OF MINUTES

The Authority voted to approve the March 30, 2015 work session minutes.

Yes: Kitselman, Lee, Smart (moved), Ohrstrom (seconded), Shaffer, Mackay-Smith

No: No one

Absent/Not Voting: No one

BERRYVILLE AREA PLAN UPDATE

Mr. Stidham summarized the evening's agenda and gave an update of staff's progress on the Berryville Area Plan update. He said staff is requesting that the sub-area reconfiguration be locked in at the meeting in order to complete the draft of Chapter II for review at the May 27, 2015 meeting. He said Ms. Dunkle will review recommended modifications to the sub-areas during a mapping exercise. He added that changes have been made through Sub-Area 21 and that staff will proceed with the updated draft and included it in the May meeting packet. He added that a few edits have been made to Chapter III after discussions with Mrs. Mackay-Smith and he will go over those changes during that part of the agenda. Mr. Stidham concluded that the final discussion will be the draft process for future plan amendments,

amendments to the Annexation Area Agreement, and adoption of new or expanded sub-areas. He said Chapter IV will be developed from this information.

Ms. Dunkle reviewed sub-areas and requested specific direction on proposed changes. She reviewed the Sub-Areas 1 and 2 and recommended leaving them as separate sub-areas due to different ownership and development potential. She said Sub-Areas 3 and 4 incorporate Battlefield Estates and the Clarke County High School adding that undeveloped parcels remain and thus recommends leaving these sub-areas in place. She recommended that Sub-Area 5 stay the same as there are lots remaining for development and that Sub-Areas 6, 6A and 7 also stay the same. She said staff is recommending the removal of Sub-Area 8 which is Green Hill Cemetery, and modification of Sub-Areas 9 and 10 to align with the Shenandoah Crossing and Darbybrook development, respectively.

Ms. Dunkle recommended adding the portion of Sub-Area 11 that encompasses the storm water detention facility for the Darbybrook subdivision pond at end of Page Street into Sub-Area 10. She suggested keeping Sub-Areas 11, 12A, and 12B intact. There was a discussion about Sub-Area 15 and identifying it as a low to moderate density residential use. She said staff is requesting direction concerning Sub-Area 14A and B. There was a discussion about the BP zoning designation in Sub-Area 14A and the previous discussion during and after the site visit that this area be used as a buffer from the railroad tracks. She said Sub-Area 16 is now under different ownership.

Mr. Stidham said that the BADA has discussed the Business Park zoning on the Friant property currently identified as Sub-Area 14A and talked about two scenarios depending on access. He said it was conceivable that access through the property where the True Value Hardware store is located could allow for a four-way intersection at Jack Enders Boulevard and East Main Street. He said if that option were not feasible, low to moderate density residential development could access the Friant property through the Audley property or other access from Battletown Drive. Mr. Ohrstrom asked if Sub-Area 14A which is identified as Business Park zoning on the Friant property should be renumbered to be same as the business park sub-area. Chair Kitselman said that the identification number of the respective sub-areas has to do with location. There was a discussion about Business Park zoning on the Friant property. Mr. Stidham said that if the BP land use designation remained on the parcel it should be noted in the Plan that sufficient access must occur whereas if residential uses were applied then there need not be any mention about access. Discussion about access, the condition of Cattleman's Lane and the ownership by the railroad occurred. Mr. Lee said the property owners agreed that 14A would benefit by being a buffer. Mr. Stidham described that this is a change in land use designation, not a change to zoning. Ms. Dunkle added that the Friants are working on access from East Main and described other access from Battletown Drive. She said a concern she has is the new ownership of the house and access to the developable area. Mr. Stidham said sub areas appear to align with contours and not property lines.

It was determined that Sub-Area 14A should be included into the low to moderate density residential designation with a reference that buffering shall occur adjacent to the railroad tracks. Ms. Dunkle confirmed that BADA members were okay with staff's recommendations. Members agreed to the changes. Mr. Shaffer asked if other changes should be included in a motion. Mr. Stidham said if the decision was a consensus, then there is no need for a motion if BADA members are comfortable with map changes.

Ms. Mackay-Smith asked if there was a definition of buffer area. Mr. Stidham recommended referencing buffer areas generally allowing for a potential for clustering. Ms. Dunkle said there are regulations in the zoning ordinances that require minimum open space areas in cluster developments. Mr. Stidham said once engineering determines best location for open space, then development patterns would be established. Ms.

Dunkle said there is a concern about the development potential of Sub-Area 14B as there is a 600 foot maximum cul de sac length established in the Town Zoning Ordinance. She said that combining sub-areas would make for better development pattern.

Ms. Dunkle added that staff recommends maintaining Sub-Area 17 (Audley) and Sub-Area 18 (Berryville Glen). She said staff recommends the Mercke property, which is currently identified as Sub-Area 19C, be changed to 19A with Dr. Allen's property, currently identified as Sub-Area 19D, be changed to 19B. She said staff recommends Sub-Area 20 remain the same and that 19A, 21A and 21B be combined into Sub-Area 21 which constitutes the Clarke County Business Park. She said that the Southgate subdivision was originally split into two sub areas identified as 24 and 25. She said Sub-Area 24 is built out while Sub-Area 25 has three lots remaining. She said staff recommends Sub-Area 26, which includes a portion of the Hermitage Subdivision and the storm water detention facility, remain the same and that Sub-Area 27 be modified to identify a portion of Hermitage Phase V as Sub-Area 27A and the Byrd property on 340 be identified as 27 B.

Ms. Stidham introduced the edits to the draft text of Chapter 2 of the Berryville Area Plan. He described changes in the document and asked that recommendations be made by BADA members. He said all the "should[s]" in the document will be changed to "shall[s]". He recommended retain the sentence concerning "enlightened self-interest and legal information. He said on page 8 he recommends an addition to last full paragraph concerning development proposals and mitigating negative impacts by adding "shall provide open space with appropriate landscape design". Ms. Dunkle asked to add view shed to this narrative. Mr. Stidham said the reference to karst features is not defined as typically referenced and recommending beefing that up. He said on page 16 he recommends striking information about distinctive locations concerning urban land use. On page 18, last paragraph, he recommended keeping the first sentence concerning transportation improvements for pedestrian access along Route 7 Business. On page 27, he recommended retaining language concerning Sub-Area 6 business uses in conjunction with Sub-Area 7. He added the suggestion to retain the proposed B Business development intensity to not exceed the Floor Area Ratio established originally. Mr. Stidham continued to page 31, the first unedited paragraph concerning locational characteristics of highway and visitor commercial uses and the expansion of tax base preventing dense commercial development into County. He recommended that the highway and visitor commercial land use policy will be retained. There was a discussion about term "campus setting". Mr. Stidham recommended plugging in language used to replace the term. He said on page 43, concerning Sub-Area 15 in the second paragraph, he would recommend striking the second sentence concerning solar efficient site planning. Page 50, fourth paragraph concerning transportation planning, Mr. Stidham recommended rewriting the narrative prioritizing safety and sound access management principles. He asked Authority members for other changes. There were none. Mr. Stidham said the next version that will be presented to BADA members will he will remove all of old strikethrough language, retaining it for the records, and identify new language in red.

Ms. Mackay-Smith referenced page 51, concerning the number of units in multifamily facilities. She said the Johnson-Williams Apartments are identified in Sub-Area 20 but the number of units is not identified as it is in other locations. Mr. Stidham said he would update the information for consistency.

Mr. Stidham recommended several changes to Chapter 3. He said on page 10, he one changed "healthful" to "healthy"; on page 11 he added references to karst features; page 12 concerning transportation policy adding language for clarification and referencing the Berryville-Clarke County Bike-Pedestrian Plan adopted last year as well as referencing respective road maintenance by VDOT and the Town. He recommended removing the policy concerning street signage standards that referenced a downtown urban

design study. He added that staff was not sure what that document was. Ms. Mackay-Smith said it may be Cox document.

Mr. Stidham said on pages 13-14, concerning park and ride options on Route 7 Bypass corridor, he recommended adding the establishment of local bus transit routes and facilitation of consumer access to downtown area and recreational facilities. Ms. Mackay-Smith referenced Harvard housing study distributed by staff. She said the study repeatedly identified needs for transportation of the elderly. She said all of the businesses downtown need to assist with getting people there and that funding could be a combination of grants and business financing. Mr. Stidham added that this has been discussed at regional meetings and that a number of organizations provide these services which may overlap. Ms. Mackay-Smith said she is sure it can be done and that it will help the vitality of downtown Berryville.

Mr. Stidham referenced further explanation of the term “adequate housing”. He said he removed the term and expanded it based on information in the Harvard study. Mr. Stidham read a narrative recommended by staff to be incorporated into the document. Ms. Dunkle added that the aging in place definition in this document was the most thorough she had seen.

Mr. Stidham continued on page 15 with one word change and the requirement to channel all urban development to cluster design. Mr. Ohrstrom referenced a community in Pennsylvania which allows for small residential adaptive reuse in 1920s structures by using relaxed codes in order to reuse the buildings. He asked whether it was worth considering relaxing the codes here. Mr. Stidham suggested considering adopting zoning regulations which encourage adaptive reuse. There was a general discussion about concerns with relaxing regulations. Mr. Kitselman said that the building code allows for some latitude.

There was a general discussion on the term “reasonable nexus”. Mr. Stidham read a proposed change to the copy. He continued on page 17 recommending text that encourages the schools to keep educational opportunities in the Town. He added that policies should continue to require quality site design standards.

Mr. Ohrstrom asked whether high speed internet should continue to be a priority. Ms. Dunkle said access in Berryville is available. Ms. Mackay-Smith asked whether installation should be encouraged. Ms. Dunkle said that the internet follows development, but that staff could add this item they wished. Ms. Mackay-Smith said a policy should be in place for this to occur. Mr. Stidham said it was contained in the County Comprehensive Plan. Ms. Dunkle said high speed internet has been discussed at the Economic Development Advisory Committee level. There was a general discussion about Comcast availability. Mr. Stidham suggested that the policy be added to the utility section in order to facilitate a range of high speed communications for business and residential customers.

Mr. Stidham addressed urban design and recommended intergovernmental agreement with VDOT in order to protect entrance corridors in the Town and County. He said staff is recommending adding a policy concerning requiring consistent language in Town and County ordinances in order to ease the annexation process. There was a general discussion about zoning applications in Annexation Area B.

Chair Kitselman asked for a motion to accept changes to Chapter 3 as proposed by staff.

Yes: Kitselman, Lee (seconded), Smart, Ohrstrom (moved), Shaffer, Mackay-Smith

No: No one

Absent/Not Voting: No one

Mr. Stidham said he would email out clean copy of Chapter 3 and that it would be revisited again when the plan comes together. He added that Chapter 2 will be in May agenda packet for discussion.

Mr. Stidham said the last item is a review of the draft plan amendment process. He said he has inserted draft language into Chapter 4 concerning the process for plan amendments in the future. He continued saying the recommendation is that the Berryville Area Plan is reviewed on a five year basis. He discussed a set process which would begin in year four by either the BADA or a sub-committee to evaluate changes that would warrant any modifications to the Berryville Area Plan. He said the evaluation process would determine whether a complete rewrite would be needed or whether an affirmation of the plan would suffice. He said this chapter would create a formal process through the adoption of a resolution that would state the status of the Plan. He said if it was determined that the Plan needs to be updated then the decision on what changes should be undertaken would be made by resolution which would set a timeframe by which the Plan would be updated. He said the resolution would be forwarded to Town Council and the Board of Supervisors for their information. He said this would assure that formal action would be taken at least every five years. He said the bigger question is how to deal with interim amendments.

Mr. Stidham said staff has borrowed Frederick County's comprehensive plan amendment process. He said staff has discussed the process with Eric Lawrence, Frederick County Planning Director. He added that there are two categories for plan amendments, those initiated by governing bodies and those requested by citizens or other stakeholders. He said the language should include cautionary information that interim or piecemeal plan amendments are strongly discouraged. He said these types of amendments may create fragmented plans or weaken its effect. Mr. Stidham said those amendments may be initiated by Town Council or the Board of Supervisors by resolution which identifies the specific reason for the proposed change and a detailed scope. He said that the resolution may come from one of the governing bodies but both entities would need to adopt it. He recommended that the process for citizens or stakeholders to submit a plan amendment be once a year, stating that Frederick County's deadline is in June. He said that citizens or stakeholders would submit a petition for a plan amendment and that the governing bodies would be under no obligation to consider amending the respective plan. He said if the petition moves forward then the fees and written authorization would cover the costs for public hearings and associated fees. He added that the governing bodies can agree to hear the case on appeal or deny the request for various reasons. Mr. Stidham said that the governing bodies would determine the petitions that would be under consideration and forward those petitions to the BADA for review. He suggested that fees would apply to those petitions forwarded to the BADA and fees would be returned to those petitions that were not considered. He said an April 1 submission deadline is recommended by staff in order to have the item reviewed and added to the June 1 agenda. He recommended that one of the following criteria must be met in order for an interim amendment to be considered outside of the June 1 window:

1. The goals, objectives, or policies of the BAP would be more effectively met or implemented, particularly by a concept of land development that was not foreseen by the Plan, if the Plan Amendment were approved.
2. The area surrounding the property in question has changed substantially since the review of the Plan.
3. The General Assembly has adopted legislation that necessitates an interim amendment to the Plan.

Mr. Lee asked who would make the determination that at least one of the criteria has been met. Mr. Stidham said the governing body would make the determination after review and recommendation by staff.

There was a discussion about which fees would be retained and whether a limitation on the number of times the petitioner could apply for a plan amendment. Mr. Stidham referenced rezoning and special use permit applications which cannot be refiled in less than 12 months. He added that redundant applications would be relatively easy to review. Ms. Dunkle said staff hopes to have a draft of the petition application for the next meeting.

Ms. Mackay-Smith added that she had one additional comment. She said care should be taken with adjoining scenic impacts, visibility from major highways, noise, odors and bright lights. She said each of these items could result in a large impact that needs to be considered. Mr. Stidham said that an engineer would evaluate the property and the study would include information concerning development capacity. Mr. Stidham said items 2 and 3 in Chapter 4 would regulate processes not currently in place. He added that item 2 identifies the process to amend the annexation area agreement, identify sub-areas, and other substantive changes that have impacts on annexation area review. He added it would also outline the process for the Town and County as identified by legal counsel and for review. He said prior to the expansion of Annexation Area C, the Town and County would need to jointly discuss engineering and analysis that would be completed prior to finalizing any new agreement. He concluded by saying if Authority members were okay with these items, staff would start building Chapter 4 around it.

Chair Kitselman asked for any additional comment. There was none. He asked for any other items that needed to be discussed. Ms. Dunkle said the induction ceremony for the Town and County Appalachian Trail Community Certification will be held in Rose Hill Park on Monday, July 20, 2015 at 5:30pm. She said this ceremony coincides with the Appalachian Trail Biennial event that will be held in Winchester.

Ms. Dunkle asked if there were additional thoughts on Harvard study or anything Authority members wished to incorporate. Mr. Lee said the document was interesting and reiterated that the aging in place description was a good one. Ms. Mackay-Smith said she made a lot of notes would like to discuss them at another time adding that it is an excellent document. Ms. Dunkle said it included good suggestions concerning walkability, transportation and accessibility and felt the community is doing it right.

Mr. Stidham said staff will include the updated Chapter 2 and modified annexation area maps in the next agenda packet for the May 27, 2015 meeting and will see how progress goes on Chapter 4. He added he would send Chapter 3 for their information.

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 8:19PM.



Allen Kitselman, Chair



Christy Dunkle, Clerk