

**BERRYVILLE AREA DEVELOPMENT AUTHORITY**  
**MINUTES—REGULAR MEETING**  
**September 2, 2015 – 7:00 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, September 2, 2015. The meeting was called to order at 7:00PM.

**ATTENDANCE**

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

Authority members absent: none

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 (moved), Shaffer; Smart (seconded), Ohrstrom, Shaffer; Mackay-Smith

**No:** No one

**Absent/Not Voting:** No one

**APPROVAL OF MINUTES**

The Authority voted to approve the May 27, 2015 meeting minutes.

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

**No:** No one

**Absent/Not Voting:** Ohrstrom (abstained)

**APPROVAL OF MINUTES**

The Authority voted to approve the July 22, 2015 meeting minutes as amended.

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

**No:** No one

**Absent/Not Voting:** Shaffer (abstained)

**ELECTION OF VICE CHAIR**

Mr. Lee made the motion to elect Wingate Mackay-Smith as Vice Chair.

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

**No:** No one

**Absent/Not Voting:** No one

Mr. Stidham said Ms. Mackay-Smith will be filling Mr. Boyles' unexpired term and that elections will occur again in January.

### **DISCUSSION – TOWN COUNCIL ACTION TO INITIATE TEXT AMENDMENTS TO BERRYVILLE AREA PLAN AND TOWN ZONING ORDINANCE**

Ms. Dunkle said Mr. Dalton wrote a letter to Mr. Kitzelman and Mr. Shaffer concerning Town Council's initiation at their August 11 meeting of a Berryville Plan amendment and a text amendment to the Berryville Zoning Ordinance concerning senior multifamily units. She said Council requested that public hearings be set by the BADA for the Plan amendment and the Berryville Planning Commission for the text amendment. She said the Planning Commission had set their public hearing for Tuesday, September 29, 2015 at 7:30pm. Chair Kitzelman said a joint public hearing may work. Mr. Stidham gave the BADA some dates to choose from followed by a discussion of respective processes of the BADA and Planning Commission. It was determined that the BADA would hold a meeting on September 29, 2015 at 4:00pm to discuss the completed draft of the Berryville Area Plan and hold a public hearing at 5:00pm on the Plan amendment.

The Authority voted to set a public hearing on the Berryville Area Plan amendment to allow 180 multifamily units in the Older Person Residential zoning district of Annexation Area B for Tuesday, September 29, 2015 at 5:00pm.

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

**No:** No one

**Absent/Not Voting:** No one

### **BERRYVILLE AREA PLAN UPDATE**

Ms. Dunkle reviewed the Sub-Area information in Chapter 2. She said staff will walk members through the draft in the packet. She said that staff is recommending a discussion of options for Sub-Area 6A. She requested that all non-content related items be identified after the meeting. She added that acreage numbers have been modified reflecting GIS data and said that the Sub-Areas are the same as the original unless otherwise identified in the narrative.

Ms. Dunkle began with Sub-Areas 1 and 2 which remained the same and updated Authority members on current land uses and zoning applied. She said Sub-Area 3 includes the Clarke County High School and single-family residential development which was close to build-out. She said approximately 71 units were removed from single-family development with the high school development from the 290 total units approved, for a total of 143 homes constructed in this area. There was a discussion about the chart supplied as an overview. She said Sub-Area 4 located north of Mosby Boulevard is the same configuration as the original. She added it contains VDOT's storm water facility which has removed approximately 18 residential units for the high school development.

Ms. Dunkle said Sub-Area 5 is from Jackson Drive to Pickett Court on the south side of Mosby. She said a few residential lots on the north side remain undeveloped with 58 single-family homes built in this Sub-Area.

She said Sub-Area 6 is split into two non-contiguous areas and described the locations. She said the map was amended to extend OPR zoning for the Robert Regan House.

She said Sub-Area 6A is 19.2 acres with the same configuration as the original Plan. Mr. Stidham referenced the memo on page 31 concerning this Sub-Area. He said during the update process, we have discussed three options for this Sub-Area for consideration. He said the first option would be to keep the Sub-Area description and yields the same. He said option two would be to modify the Plan to reflect Marlyn's request to add additional multifamily units to the total amount. Mr. Stidham said the third option was developed from discussions by the Authority and includes a mix of housing types of which would incorporate age in place options and maximize land use by cluster design. He said a description of the Mosby Flexible Area was in the packet. He said this approach includes an alternative design option to encourage a mix of housing types. He added the language would support a rezoning from Older Person Residential (OPR) to the Town's Attached Residential (AR) zoning district to allow for most of the housing types previously discussed including single-family detached, duplex, triplex, and quadplex with the exception of multifamily. He added that a developer could rezone to the AR District and would not be limited to age restrictions. The development design could be negotiated with the governing body who would determine the merits of the case based on the design approach and whether it includes the desired elements such as age-in-place features, clustering, and a mix of housing types. He said that Staff recommends setting aside 50 residential units from the Sub-Area's allocation for this alternative, noting that this approach was first discussed by the BADA in November regarding an exhibit that was provided by the Marlyn Development Corporation showing a mix of housing types. He also stated that any prior land use approvals, such as the 60-unit Robert Regan House, would continue to be honored. He said that Staff is looking for direction from the members as to which approach to include in the revised draft Plan.

Mr. Ohrstrom asked how the Marlyn Corporation's request to amend the Plan language for Sub-Area 6A differs from staff's recommendation to amend the Sub-Area. Mr. Stidham replied that Marlyn Corporation is asking for an immediate amendment of the Sub-Area 6A language, prior to completion of the overall plan revision. Staff's recommendation to amend Sub-Area 6A would be included as part of the plan revision process. Mr. Stidham also noted that the BADA's action on the Marlyn Corporation's request to be considered on September 29 should reflect the BADA's recommendations for Sub-Area 6A in the revised Plan for public review.

Ms. Smart asked whether the 50 units proposed in the alternative design option would be in addition to the available units assigned to the Sub-Area. Mr. Stidham replied no, that the 50 units would be designated from the current allocation of dwelling units. He also reiterated that the 50 units would not be age-restricted as the units currently are, and that this would hopefully be an encouragement to develop a mix of housing types. Mr. Shaffer asked whether the 50 units would be single-family, and Ms. Dunkle replied that the AR District allows for all housing types except for multifamily. Ms. Smart asked for clarification whether the 50 units would come from the 180 single-family units and whether any of those 180 units have been used. Ms. Dunkle confirmed that the 50 units would come from the 180 total and noted that there are a handful of lots designated for single-family age restricted homes. Ms. Mackay-Smith asked whether this would leave 130 units for single-family age restricted residences and Mr. Stidham said yes.

Mr. Shaffer asked whether the developer could age-restrict any of the 50 units. Mr. Stidham replied yes and that it would be at the developer's discretion to age-restrict using deed covenants. He said that the hope is that homes would be constructed using age-in-place techniques to enable families to stay in the same home as they age through the years. Ms. Mackay-Smith and Mr. Ohrstrom said that this was a great idea, and Mr. Ohrstrom noted that this is what the Authority has been discussing all along. Ms. Mackay-Smith said that this design approach would fit in better with the surrounding properties. Ms. Mackay-Smith asked whether the November plan provided by Marlyn Corporation was a suggestion of how this design could be done or was it a proposed plan. Mr. Stidham said that it was a previous plan provided in

November showing the Robert Regan House at 60 units, but that this is no longer being proposed. Jon Erickson (engineer for Marlyn Development Corporation) stated from the audience that this plan was never proposed. Mr. Shaffer said that even if this plan was never proposed, the design reflects the mix of housing types they have been discussing. Chair Kitselman asked if there is a consensus of the membership to direct staff to use the flexible housing approach and the members agreed.

Ms. Dunkle continued with Sub-Area descriptions for areas 7 (remains the same), 8 (recommend removal), and 9 (reconfiguration in order to align with the Shenandoah Crossing parcel and remove the completed Darbybrook Subdivision and storm water management facility). She said that residential yields were identified in the original Plan and said that there are approximately 195 residential units that were planned for were not used. She added that this Sub-Area and Sub-Area 15 (Friant) are areas that may be able to add additional densities that have already been identified. Mr. Lee referenced encouraging cluster development which Ms. Dunkle said was added to the narrative. Mr. Ohrstrom said cluster development should not necessarily be a condition of additional densities and that clustering should be encouraged regardless. Ms. Dunkle discussed the application of low density residential land use. She said that discussion should take place to modify the land use to modify the language to allow for medium density residential. Mr. Stidham discussed encouraging housing types and subdivision design (e.g., age in place) as a condition for additional density consideration within the 195 units. He said the updated narrative could identify a medium density residential land use designation or a stronger approach could be to change the land use designation to medium density residential to increase the yield to four units per acre. He added that they could take the softer approach with referencing the possibility of higher density in the narrative and could revisit the issue again when the next Plan update occurs in five years. Chair Kitselman asked if everyone was okay with the narrative approach and members agreed.

Ms. Dunkle continued to describe Sub-Area 10 (modified by removing Darbybrook); Sub-Area 11 (Soldier's Rest, no changes recommended); Sub-Area 12 (no changes recommended; 12A and 12B descriptions remain); and Sub-Area 13 (no changes recommended). She said Sub-Area 14 was identified as light industrial but has no access. She said after the summer site visit held by BADA members and staff, it was determined the best use for this area would be a buffer area between the railroad track and industrial uses and the residential area on the parent Friant parcel. Mr. Stidham said transportation is a key component with Sub-Area 15 as a part of the overall development plan. Ms. Dunkle said Sub-Area 15, as referenced previously, may be a place for additional residual dwelling units. She said there were slight modifications and she recommended a medium residential land use designation. She said that Sub-Area 16 is under new ownership and that development of Sub-Areas 14 and 15 will need to be sensitive to the property in Sub-Area 16. Mr. Stidham said transportation connectivity was critical between Sub-Areas in this area.

Ms. Dunkle continued with area descriptions beginning with Sub-Area 17. She said that Audley owns the property and referenced an easement that would allow for a connection to East Main Street/Business 7. Mr. Stidham said that in the Sub-Area 15 narrative, a recommendation was made to develop this connection through Sub-Area 16 first rather than build off of stub streets. He added that connectivity should be made to existing streets but that this access should be done first. There was a discussion about existing access and future connectivity in this quadrant of Town.

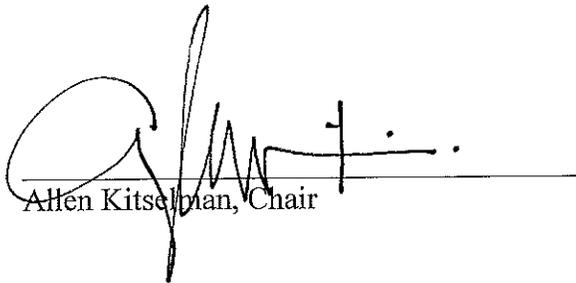
Ms. Dunkle described Sub-Area 18 (currently under development referencing 45 units remaining from original land use yield); Sub-Area 19 (size remains the same, modifications to numbering including Merke and Allen as 19A and 19B, respectively); Sub-Area 20 (remains the same); Sub-Area 21 (merged all previous areas into Clarke County Business Park); Sub-Area 22 (remains the same); Sub-Area 23 (remains the same); Sub-Area 24 (staff recommendation to remove northern portion of Southgate Subdivision); Sub-

Area 25 (staff recommending that remain in as originally identified as three lots remain for development); Sub Area 26 (modified to include built-out area of Hermitage Subdivision, keep in due to storm water management facility could conceivably be opened up for development in the future); Sub-Area 27 (reconfigured into 27A and 27B, Hermitage Phase V and Byrd property on 340, respectively). Mr. Stidham said the original 27 was combined and the density calculation for the yield was based on an acreage calculation.

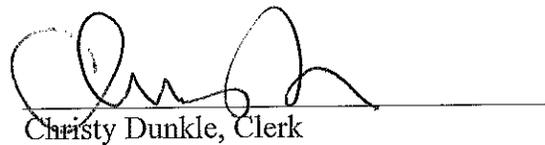
Ms. Dunkle said a memo drafted identified the 195 units referenced previously. She gave an overview of the development identified in that memo. Mr. Stidham referenced the new yield chart. He said Mr. Ohrstrom recommended a summary of the unused dwelling units as identified in the memo.

Mr. Stidham said if BADA members were comfortable with moving forward, staff will complete the updated document, reconciling comments received and adding maps. He said a clean copy would be distributed and have the red-lined copy available should they wish to review it. He added that the finalized Chapter IV was included for their review.

There being no further comment, Mr. Shaffer moved to adjourn the meeting, seconded by Mr. Ohrstrom, the motion carried unanimously by voice vote at 8:04pm.



Allen Kitzelman, Chair



Christy Dunkle, Clerk

