

**MINUTES**  
**BERRYVILLE PLANNING COMMISSION**  
**Berryville-Clarke County Government Center**  
**Regular Meeting**  
**September 29, 2015**  
**7:30 p.m.**

**Planning Commission:**

Present: Doug Shaffer, Chair; Kim Kemp, Vice-Chair; Sheryl Reid; William Steinmetz; Gwen Malone; Dale Barton; Michelle Marino; Debbie Zimmerman

Absent: Russ Heikes

**Staff:** Christy Dunkle, Assistant Town Manager/Planner; Ann Phillips, Town Clerk

**Press:** Val Van Meter, Winchester Star; Adrian O'Connor, Winchester Star

1. Call to Order

Chair Shaffer called the meeting to order at 7:32 p.m. He noted the death of friend and former Commissioner Mike Brown, saying Mr. Brown will be greatly missed.

2. Approval of Agenda

**Upon motion by Commissioner Malone, and seconded by Commissioner Reid, the agenda was approved by unanimous voice vote.**

3. Approval of Minutes of the August 25, 2015 Meeting

**Upon motion by Commissioner Kemp, and seconded by Commissioner Malone, the minutes of the August 25, 2015 were approved by unanimous voice vote.**

4. Public Hearing - Text Amendment -

**Marlyn Development Corporation (Francis Nance, Vice President – Development, Agent) is requesting a text amendment to Section 614.5 of the Berryville Zoning Ordinance in order to District from 120 to 180 multifamily units, thereby decreasing the number of single family detached, two-family detached, and single-family attached units to 120. TA-01-15**

Ms. Dunkle read the public hearing notice and stated no comments from citizens had been received in the business or planning offices. Chair Shaffer opened the public hearing and said speakers would have three minutes each with the applicant having five minutes. He asked that all those speaking state their name and address.

A. Chair Shaffer recognized Andrew Painter, representing Marlyn Development Corp. whose office address is One East Market Street, Leesburg. Mr. Painter said the site in question is the last piece of OPR zoned land in Town and it is important to use it wisely. He said that nimble and flexible ordinances are necessary in order to take advantage of opportunities for development. He added that it is better to evaluate senior housing units comprehensively, noting that 10% of the units will not have income restrictions. Mr. Painter stressed that the design elements, or amenities, are possible because of the number of units allowing the finances to support such services, including a shuttle van for

transportation. He said Marlyn has worked to offset the impact on fire and rescue resources, and that the development is a \$15 million investment in the Town.

B. Francis Nance of the Marlyn Development Corp. addressed a letter from the Shenandoah Area Agency on Aging saying the proposed development includes 120 units, not 180, and that Marlyn is committed to meeting the transportation needs of its residents. He said that the livability factors such as location, accessibility, and walkability make the site a perfect location for the proposed development, adding it will have more open area than any other development in Town.

C. Stuart Patz, President of S. Patz Associates, said his firm conducted the market study and feasibility analysis for the proposed development. He said the development will have positive fiscal impact and that the market area, identified as eastern Loudoun County to eastern Frederick County, shows an existing need and demand for this type of housing.

D. Dan Garrett, 303 Archer Court, said he is an ordained minister and follows the social principles of his church such as affirming all persons equal in the sight of God with equal access to all services. He said Marlyn awaits the Town's action to change the number of units allowed for age restricted housing, adding the proposal now has the support of the fire and rescue community.

E. Jon Erickson, 207 Duke Lane, Bluemont, representing Morris & Ritchie, engineers for the proposed project, said that his firm had done a number of designs with a mixture of unit types because the Planning Commission had asked for a mix of uses on the site. He said that among developers his firm works with, none is interested in building the mixed use development because the 10 acre site is not big enough. Mr. Erickson said more units are needed to provide the necessary amenities that seniors want, or the project will not be profitable. He added that the project will be fiscally positive and is a good use for the parcel.

F. Harold Rohde, 114 Smith Street, is the Fire Chief at Enders Fire and Rescue. He addressed the originally proposed 60 units versus the currently proposed 120 units, saying that any development will increase the number of calls to emergency services. Mr. Rohde said there were concerns about evacuating the proposed building, and fire walls and elevators have been discussed. He said in talks with the developer, he feels there are ways to mitigate the problem, adding that the number of volunteers is not a reason to stagnate growth in the community.

G. Sharon Strickland, 312 Early Drive, spoke in favor of the proposed development saying that all the units will be handicapped accessible, the building will be ADA compliant, and that Fire and Rescue leaders are happy that additional personnel are being paid for by the proffer of \$150,000 to Enders, Boyce, and Blue Ridge Fire Departments. She added that she is President of the Battlefield Estates Civic Association which endorsed the proposal with a unanimous vote at its June meeting.

H. Jean Kerrigan, 404 Custer Court, said that senior housing is much needed. She said she had assisted five people who could have been helped by the type of housing proposed.

I. Bonnie Echols, 400 Custer Court, referenced the recent Town tax increase and asked why the Town would walk away from income generated by the proposed development. She asked why there is discrimination against seniors and said the 10 acre site is perfect for this development.

J. Alton Echols, 400 Custer Court, referenced the letter from Shenandoah Area Agency on Aging and cited errors in some of the numbers in the letter. He then asked why a policy was ever enacted that limited the number of seniors in the OPR zone.

K. Robina Rich Bouffault, a resident of Boyce, said she had served on the BADA for 6 years and was startled that the Town was disregarding its own policy. She read the adopted resolution from 2008 in which the Town and County delegated the authority to review and make changes to the Berryville Area Plan to the Berryville Area Development Authority. Ms. Bouffault suggested that the Town and County planners continue to work together to keep the respective comprehensive plans compatible. She said the Commission should not make a premature recommendation and can do nothing but deny the request since it does not follow protocol.

There being no others wishing to speak, Chair Shaffer closed the public hearing.

5. Citizens' Forum

No speakers signed up and no one wished to speak.

6. Marlyn Text Amendment

Ms. Dunkle updated the Commissioners about the BADA public hearing held just prior to the current meeting. She said the BADA set a special meeting for October 5, 2015, at 2pm. She added that the Planning Commission is not under the same time constraint as the BADA.

Chair Shaffer said the Commission could wait until the next meeting or discuss the matter now. Commissioner Kemp said there was a lot of information presented and she would like more time.

Commissioner Zimmerman asked how much revenue the Mary Hardesty House brings to the Town. Mr. Echols said the amount to the Town was about \$30,000 annually with about \$110,000 going to the County.

Commissioner Reid, regarding the feasibility study, asked why the study area included Loudoun County. Mr. Patz said the area had to include where the residents are drawn from, so he used the area that residents of Mary Hardesty House relocated from.

Commissioner Zimmerman asked how many residents are in Battlefield Estates, and when hearing there were about 200 homes, rephrased her question asking the number of residents at the BECA meeting where the unanimous vote of endorsement occurred. Ms. Strickland replied that about 30 residents attended that meeting.

Commissioner Steinmetz asked what the rent is at Mary Hardesty House. He then asked how the amenities of the proposed development differ from the amenities at Mary Hardesty House. Mr. Nance said the Marlyn development would have open space, better finished, all handicapped-accessible units with open floor plans, gardens, and 24 hour staffing.

Commissioner Malone referenced the shuttle and asked about having one van to serve 120 units of housing. Mr. Nance responded that typically 90% of the residents have their own cars.

Commissioner Steinmetz said that in Berryville, a 2-bedroom unit would be less than \$1200 per month and asked what the higher rent would cover. Mr. Nance said the amenities included elevators, one-floor

living, security, central hallway units, and maintenance staff. Mr. Patz added that the rents are competitive with Purcellville rents.

Chair Shaffer asked about the waiting list at Mary Hardesty House. Mr. Patz said about 30 names are on the list. Chair Shaffer asked how many of those 30 were from Berryville and Clarke County. Mr. Patz said about 25% were from Berryville and Clarke County. He noted pent up demand for the proposed development in the Town of Purcellville where there are 180 family apartment units occupied by seniors who want to move to designated senior housing.

Chair Shaffer asked if there were any additional questions. **Commissioner Kemp moved that the Planning Commission of the Town of Berryville hereby recommend to Town Council that the text amendment modifying Section 614.5 be put on hold until the Berryville Area Plan update has been completed prior to making any modifications to the Berryville Zoning Ordinance. Commissioner Malone seconded the motion which carried unanimously by a voice vote.**

7. Set Public Hearing – Special Use Permit

Ms. Dunkle asked Mr. Painter if the development team wished to move forward with setting the public hearing knowing that statutory time frames may not coincide. Ms. Dunkle reminded him of publication time frame requirements should they wish to move forward with a public hearing. Mr. Painter said he would have to confer with his client before answering the question.

8. Set Public Hearing – Text Amendment to Article VII, Section 703.6(a)viii of the Berryville Zoning Ordinance

Ms. Dunkle described the proposed amendment. Chair Shaffer referred to the matter as housekeeping and asked for a motion. **Upon motion of Commissioner Malone, seconded by Commissioner Reid, a public hearing was set for October 27, 2015, during the regular Planning Commission meeting by a unanimous voice vote.**

9. Set Public Hearing – Text Amendment to Article VI, Section 610.2 of the Berryville Zoning Ordinance

The applicant, Alton Echols of 400 Custer Court, said he represented D. Wang who is interested in building a gas and convenience store in front of the Food Lion grocery store. He noted the competing stores, Fuel Depot to the north with 5500 square feet and Sheetz to the south with 4500 square feet, are much larger than the square footage allowed in the current zoning ordinance. He said he is requesting a text amendment to give the developer enough space to be competitive. **Upon motion of Commissioner Malone, seconded by Commissioner Kemp, a public hearing was set for October 27, 2015, during the regular Planning Commission meeting by a unanimous voice vote.**

10. Blight Abatement – Update - 203 Moore Drive

Ms. Dunkle said that the property was damaged by a fire last spring and has been left unsecured and in disrepair since that time. She said the Town Manager had been in contact with the owner, Federal National Mortgage Association, regarding the deadline for a blight abatement plan and added that the Planning Commission may be reviewing the matter in the future.

Commissioner Steinmetz asked if demolition were possible since this is an attached structure. Ms. Dunkle said demolition is possible for this structure. She said she would update the Planning Commission at the October meeting.

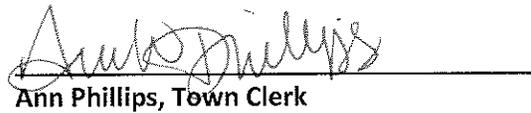
11. Planning and Zoning Update

Ms. Dunkle said she had received a phone call inquiring about transportation to and from the Appalachian Trail during an upcoming hike. Ms. Dunkle referred the caller to Purcellville where transportation arrangement is available and added that this is the type of business that is needed in the community to support this effort.

12. Adjourn

There being no further business, upon motion of Commissioner Reid, seconded by Commissioner Zimmerman, the meeting was adjourned at 8:40 pm.

  
Doug Shaffer, Chair

  
Ann Phillips, Town Clerk

