

**PLANNING COMMISSION**  
**Berryville-Clarke County Government Center**  
**MINUTES OF REGULAR MEETING**  
**October 27, 2015**

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A meeting of the Berryville Planning Commission was held on Tuesday, October 27, 2015 at 7:30 p.m. in the Berryville – Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

**ATTENDANCE:** Members of the Planning Commission present: Doug Shaffer, Chairman, Kim Kemp, Vice Chair, Gwen Malone, Sheryl Reid, Debbie Zimmerman, Michelle Marino, Dale Barton, William Steinmetz

Absent: Russ Heikes

Staff present: Christy Dunkle, Assistant Town Manager/Planner, Keith Dalton, Town Manager

Press present: Val VanMeter, Winchester Star

Others present: Dale Coumes, Donna Crim, Alton Echols

Chairman Shaffer opened the meeting at 7:30pm.

**APPROVAL OF AGENDA**

Ms. Malone moved to approve the agenda as written, seconded by Ms. Zimmerman. The motion passed by voice vote.

**APPROVAL OF MINUTES**

Vice Chair Kemp moved to approve the minutes of the September 29, 2015 Planning Commission meeting as presented, seconded by Ms. Zimmerman. The motion passed by voice vote.

**PUBLIC HEARING SESSION**

**Text Amendment**

**The Berryville Planning Commission is initiating a text amendment to Article VII, Section 703.6(b)viii in order to require review by the Berryville Architectural Review Board of demolition, building relocation and structures erected behind the rear building line of the main residential building if visible from the public right of way of properties located in the local historic district. TA 02-15**

Ms. Dunkle read the public hearing information. Chairman Shaffer said no one had signed up to speak. He asked if anyone in the room would like to address the matter. There were no comments. The public hearing was closed at 7:32pm.

Chairman Shaffer opened the second public hearing:

**Text Amendment**

**A.C. Echols, Agent, is requesting the Berryville Planning Commission to initiate a text amendment to Article VI, Section 610.2 in order to increase the square footage of a convenience store as an accessory use to automobile service and repair establishments (including gas stations) from 2,000 square feet to 5,500 square feet in the Business Commercial (BC) zoning district. TA 03-15**

Ms. Dunkle read the public hearing information. She said one resident of Battlefield Estates felt that the 5,500 square foot size was excessive. Chairman Shaffer said no one had signed up to speak and asked if anyone in the room would like to address the matter. There were no comments. The public hearing was closed at 7:34pm.

**REGULAR SESSION**

**Citizens' Forum**

Chairman Shaffer said no one had signed up to speak and asked if anyone would like to address the Planning Commission. There were no comments.

**NEW BUSINESS**

**Discussion – Public Hearings**

**Text Amendment to Article VII**

Chairman Shaffer said he had a couple of questions concerning the determination of a hardship and said his concerns were answered in other portions of Article VII. There was a discussion about the removal of blighted accessory structures. Vice Chair Kemp said there are enough checks and balances to make a good determination on these matters.

There being no further discussion, Vice Chair Kemp made the motion to recommend Council adopt the amendment to Article VII, Section 703.6(b)iii of the Berryville Zoning Ordinance in order to require review of demolition, building relocation, and new structures behind the rear building line if visible from the public right of way of parcels located in the Berryville Historic District by the Architectural Review Board, seconded by Ms. Malone, the motion passed by voice vote.

**Text Amendment to Article VI BC Business Commercial Zoning District**

Chairman Shaffer asked Commissioners to discuss Mr. Echols' request to increase the size of a convenience store as an accessory use in the BC zoning district from 2,000 square feet to 5,500 square feet.

Ms. Marino asked if this request was for the convenience store structure only and asked how large a gas pump area would be. There was a discussion about the site Mr. Echols was representing on his application. Chairman Shaffer said that while there was a specific parcel identified on Mr. Echols' application, the amendment would apply to all parcels within the BC zoning district. There was a discussion about other site plan requirements for convenience store development including parking, landscaping and the auto service and repair principal uses identified in the district language. Ms. Marino said that growth was necessary for the Town and that it is important to be smart about how that is accomplished. She said an extremely large building would be inappropriate in this district.

Ms. Zimmerman asked why such a large store was needed when it was likely that any project would be located adjacent to the Food Lion. Chairman Shaffer said that the trade information in the packet from the National Association of Convenience Stores (NACS) was valuable and reviewed the types of convenience facilities identified through the organization. There was a discussion about the sizes of each type of convenience store. Mr. Steinmetz said he felt that the staff recommendation of 3,000 square feet would be sufficient and competitive. Ms. Marino said the recent renovation of the Red Apple into a Circle K maintained a small building and one set of pumps seems sufficient in that location.

Mr. Echols arrived at the meeting at 7:45pm. Chairman Shaffer told Mr. Echols that he had missed the public hearing but that he would give him five minutes to speak. Mr. Echols discussed the sizes of stores and why he felt that in order for his location to be a destination convenience store he needed to have additional square footage. He added that a 7-11 would be accommodated within 3,000 square feet.

Vice Chair Kemp said she would like to consider the request and continue the discussion to the November 17, 2015 meeting with consensus of the Commission members. Chairman Shaffer recommended looking at some of the other convenience stores in the area considering the context of the sites and determine what would work best for Berryville.

**Discussion: Uses in the BP Zoning District**

Ms. Dunkle said that in March of this year, the County Planning Commission made a recommendation to remove 15 items from the BP zoning district. Chairman Shaffer suggested reviewing the material provided in the staff report over the next few weeks and discuss it again at the November meeting.

**OLD BUSINESS**

**Blight Abatement at 203 Moore Drive**

Ms. Dunkle said the process for blight abatement was discussed at the September meeting and photos of the property located at 203 Moore Drive, where a structure fire took place in April, were presented. She said Mr. Dalton's letter to the property owner was included in the September packet and that he was at the meeting to present updated information.

Mr. Dalton reviewed items in the packet including his staff report; §5-5 Spot Blight Abatement, of the Berryville Code; a letter from Zack Salisbury from the Clarke County Health Department; a letter from Mr. Dalton to the property owner of record Federal National Mortgage Association (FNMA) dated August 26, 2015; and the Blight Abatement Plan for the property at 203 Moore Drive drafted by Mr. Dalton. He said the property was foreclosed upon soon after the April fire, adding that minimal work has been done to secure the property since the structure fire. He said that the process identified in §5-5 of the Berryville Code begins with the Town Manager determining whether a property is blighted. He added that it was determined to be blighted and contacted personnel from the Clarke County Health Department and the Clarke County Building Official who concurred with his determination. Mr. Dalton said that his letter to the property owner requested that a Blight Abatement Plan be submitted within 30 days of the date of that letter as stated in the Berryville Code with an October 18, 2015 deadline. He added that no plan was received.

Mr. Dalton said that he has spoken with several representatives of the property owner and it appeared that they want the Town to go through an expensive process before they will do anything. He said he would like to get the process started so that residents would not have to continue to look at the structure in its current condition. Mr. Dalton described the importance of the firewall and the quality construction of the units. He said the fire wall needs to be addressed in a timely manner as it should not be exposed to the weather. He added that the Blight Abatement Plan calls for an evaluation by a structural engineer to develop a demolition plan that protects the firewall shared with the adjacent unit (205 Moore Drive). Mr. Dalton said that the foundation appears to be in good shape and identified steps that may be taken to maintain the integrity of the foundation and to secure the site prior to demolition.

Mr. Dalton said the code language states that the Planning Commission may choose to have a public hearing with the assumption that there will be one. He said the Town Council must have a public hearing on the matter. He recommended that the Planning Commission set a public hearing for their November meeting. Chairman Shaffer asked about costs associated with the demolition. He questioned whether a potential buyer could recoup his costs for rebuilding the property particularly if there is a tax lien for its demolition.

Mr. Dalton said he would like to discuss the FNMA blight abatement process with Council and with federal elected officials as demolition and subsequent tax liens are large costs for small localities. He said there was not much choice in the matter as the abatement must occur or the residents would have this problem in their neighborhood. He added is a hole in the roof which will contribute to the structure's deterioration and allow vermin inside the building. Ms. Reid asked about the previous blight abatement process on Josephine Street and if the Town recovered the money spent on the demolition. Ms. Malone asked if the situation was different. Mr. Dalton said the context of the two properties is different. He said the process for the Josephine property has been turned over to an attorney and the taxes will either be paid by the property owner or the parcel will be sold. There was a discussion about construction costs and newly assessed property values. Mr. Steinmetz said he has seen sales in that area of \$114,000.

Vice Chair Kemp said it is important for the Town to take action on the matter as the residents and property owners of the subdivision have worked very hard to bring it back up and that she supports their efforts. Ms. Zimmerman asked whether a heavy snow could collapse the roof. Mr. Dalton said he was uncertain but that it was probably okay in the short term. He added that the longer it sits, the more compromised the structure will become. Mr. Steinmetz voiced concern about the firewall being exposed and said that wet insulation against the firewall could cause problems which would quickly become a concern.

There being no further discussion, Vice Chair Kemp made the motion to set a public hearing in order to make a recommendation to Town Council on a Blight Abatement Plan for 203 Moore Drive for the November 17, 2015 meeting, seconded by Mr. Steinmetz. The motion passed by voice vote.

Mr. Dalton said he will encourage Town Council to set a public hearing for their December meeting.

## **OLD BUSINESS**

### **Planning and Zoning Update**

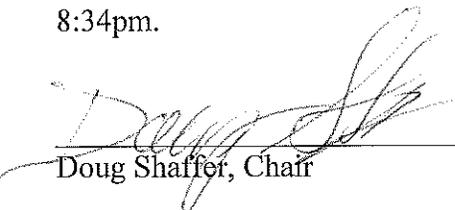
Ms. Dunkle reviewed items included in the update.

**Other**

Ms. Malone asked about work that will be done in early November on West Main Street. Ms. Dunkle said it is a VDOT project where they will be installing a storm water pipe. Mr. Dalton gave the details of the project and location of the current and replacement pipe.

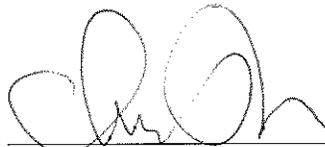
**Adjourn**

There being no further business, Chairman Shaffer asked for a motion to adjourn the meeting. Ms. Reid made the motion, seconded by Ms. Malone, the motion passed unanimously by voice vote at 8:34pm.



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Doug Shaffer, Chair



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Christy Dunkle, Recording Secretary

