

PLANNING COMMISSION
Berryville-Clarke County Government Center
MINUTES OF REGULAR MEETING
March 22, 2016

A meeting of the Berryville Planning Commission was held on Tuesday, March 22, 2016 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, Kim Kemp, Gwen Malone, Michelle Marino, William Steinmetz, Deb Zimmerman.

Members absent: Dale Barton, Russ Heikes, Sheryl Reid

Staff present: Christy Dunkle, Assistant Town Manager/Planner

Others present: Tom McFillen, Julie Ashby, Steve Scott, Alton Echols, Bryant Condrey

Press present: Val Van Meter, Winchester Star

Chair Shaffer opened the meeting at 7:30pm.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Ms. Kemp moved to approve the minutes of the February 23, 2016 Planning Commission meeting as written, seconded by Mr. Steinmetz. The motion passed by voice vote.

APPROVAL OF COMPREHENSIVE PLAN COMMITTEE MINUTES

There was no meeting in March.

PUBLIC HEARING SESSION

Hip & Humble Interiors (Tom McFillen, Agent), is requesting a Special Use Permit for retail sales incidental to a manufacturing, production or related use as regulated in Section 609.3(h) of the Berryville Zoning Ordinance for the property located at 401 East Main Street, identified as Tax Map Parcel number 14A6-((1))-3, zoned L-1 Industrial. SUP 01-16

Ms. Dunkle described the public hearing publication information and the request. She said that the owners of Hip & Humble, Julie Ashby and Steve Scott, as well as Agent Tom McFillen, were at the meeting should there be any questions.

Chair Shaffer said no one had signed up to speak at the public hearing. He requested a motion to close the meeting. Vice Chair Kemp made the motion, seconded by Ms. Malone, the motion passed by voice vote and the public hearing was closed at 7:34pm.

DISCUSSION – PUBLIC HEARING

Chair Shaffer asked Commissioners if they had any questions of staff or the applicants. Ms. Kemp said that she was familiar with the location and happy that they are moving forward with their business. She made the motion that the Planning Commission recommend approval of Special Use Permit 01-16 to Town Council in order to allow retail sales incidental to a manufacturing, production or related use as set forth in Section 609.3(h) of the Berryville Zoning Ordinance for the property located at 401 E. Main Street, with the following conditions:

- The parking is identified on the property as shown on the site plan;
- Signage conforms to zoning regulations and review and approval of the Architectural Review Board;
- Outdoor storage is prohibited; and
- The loading area adjacent to East Main Street is designated on the site.

Seconded by Mr. Steinmetz, the motion passed by voice vote.

Ms. Dunkle said she would forward the recommendation to Town Council at their April 12, 2016 meeting.

REGULAR SESSION Citizens' Forum

Chair Shaffer recognized Bryant Condrey, 203 West Main Street. Mr. Condrey said Ms. Dunkle had requested that he come to the meeting to discuss the convenience store request. He said he supported Council's decision to send the text amendment back to Planning Commission for review. He said that he had issues with the definition and uses as they had been presented. He added that the convenience store use and repair establishment would be unlikely to develop together. He said that the intent of the BC zoning district was to allow for highway commercial uses for visitors. Mr. Condrey said he supports convenience store uses and appreciated the separation of the auto repair from the convenience use. He stated that he believed Council intended for gas to be retained in the convenience store definition as it is a quintessential element of a highway visitor area. Ms. Dunkle added that gas was a use identified in the draft definition of convenience store. He said from Council's perspective, the specificity of square footage may be difficult to enforce and added that language was not that specific in other zoning districts.

Chair Shaffer recognized Alton Echols, 400 Custer Court. Mr. Echols read modified changes he is now proposing for the BC zoning district concerning convenience stores. He said that his seven acres is designated for highway use only and identified fast food, banks, groceries, and offices as permitted uses in that district. He said that McDonald's would only move onto a corner lot which he said he could provide. He said that would not allow the gas and convenience to be on a corner. He added that the problem is that McDonald's will only come if there were no additional fast food restaurants in the area. He added that the Berryville Area Plan was deficient and fatally flawed.

NEW BUSINESS

Set Public Hearing – Special Use Permit – Home Occupation

Ms. Dunkle said that the Harrison's wish to open their art studio to the public for sales. She said that all of the family members are artists and they wish to participate in the newly established Top of Virginia Artisan Trail program. She described the proposed hours of operation and parking as described in the application. There being no further discussion, Vice Chair Kemp made the motion to set the public hearing for the April 26, 2016 meeting, seconded by Ms. Malone, the motion passed by voice vote.

OLD BUSINESS

Discussion – Convenience Store Definition

Ms. Dunkle described the proposed convenience store definition and updated language for Section 610.2(b) of the Berryville Zoning Ordinance. She reminded Commissioners that this request was for a district and not a specific parcel. Mr. Steinmetz asked who would be enforcing the established square footage allowance and Ms. Dunkle responded by saying that the Zoning Administrator would be responsible for enforcement. Chair Shaffer said that he believed it was important to remove the auto repair component of the regulation. He added that identifying a large convenience store as an ancillary use would be difficult. He questioned whether the BC zoning district is an appropriate location for auto repair at the entrance to the Town. There was a general discussion about auto repair locations and zoning for such businesses. Chair Shaffer asked what Commissioners thought about the definition of convenience store. Mr. Steinmetz said he was happy with it with concurrence from other Commission members.

Chair Shaffer identified different sizes of convenience stores as identified on the National Association of Convenience Stores web site. He said that 5,000 square feet was considered a "hyper" convenience store. He added that the previous recommendation from Planning Commission was 3,000 square feet and that staff has drafted a 5,000 square foot option per the applicant's request. Ms. Zimmerman asked about the size of the Sunoco station on Berryville Avenue in Winchester. Mr. Echols indicated it was 4,550 square feet. She said it was quite roomy and Mr. Steinmetz added that he had attended the site meeting and was given a tour of the building. There was a discussion about size limitations for convenience stores in the BC district. Vice Chair Kemp said she felt that 5,000 square feet, which is the size of a Sheetz in the County, was excessive. Chair Shaffer said that was double the size of the former Red Apple and that convenience stores vary in size in towns and in counties. Vice Chair Kemp said she felt that 5,000 square feet was too large for this district and said that 3,500 to 4,000 square feet would be more appropriate in the Town. There was a discussion about hyper-convenience stores and the amount of retail space that should be permitted. Ms. Malone suggested that a maximum of 4,000 square feet would be appropriate. Mr. Steinmetz agreed and recommended staying out of specific square footage allowances and to think about creative storage opportunities. Ms. Marino added that the site itself, with a number of gas pumps, will create a larger footprint than just a convenience store. Vice Chair Kemp reiterated that 4,000 square feet should be the maximum size permitted in this district.

There being no further discussion, Vice Chair Kemp made the motion to hold a public hearing on the definition of convenience stores as written in the staff report and to advertise the following text for Section 610.2(b) for public hearing:

Convenience store not occupying more than 4,000 square feet of floor area with no more than 2,000 square feet of retail.

Ms. Malone seconded the motion. The motion passed by voice vote.

OLD BUSINESS

Planning and Zoning Update

Ms. Dunkle reviewed items included in the staff report. She updated Commissioners on the Artisan Trail and Clarke County Studio Tour.

Other

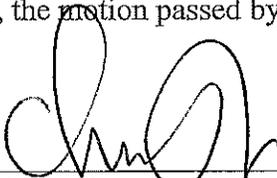
Mr. Steinmetz and Ms. Zimmerman gave an update on their Planning Commissioner's class in Richmond.

Adjourn

There being no further business, Chair Shaffer asked for a motion to adjourn the meeting. Ms. Malone made the motion, seconded by Mr. Steinmetz, the motion passed by voice vote at 8:10pm.



Doug Shaffer, Chair



Christy Dunkle, Recording Secretary