

PLANNING COMMISSION
Berryville-Clarke County Government Center
MINUTES OF REGULAR MEETING
July 26, 2016

A meeting of the Berryville Planning Commission was held on Tuesday, July 26, 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: Chair Doug Shaffer, Gwen Malone, Michelle Marino, Deb Zimmerman, Dale Barton, William Steinmetz, Sheryl Reid.

Member absent: Kim Kemp

Staff present: Christy Dunkle, Assistant Town Manager/Planner

Others present: Alton Echols

Press present: Jim McConville, Winchester Star

Chair Shaffer called the meeting to order at 7:30pm.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Ms. Marino moved to approve the minutes of the June 28, 2016 Planning Commission meeting as written, seconded by Ms. Zimmerman. The motion passed by voice vote.

APPROVAL OF COMPREHENSIVE PLAN COMMITTEE MINUTES

Chair Steinmetz stated there was no meeting in June.

REGULAR SESSION

Citizen's Forum

Chair Shaffer recognized Alton Echols, 400 Custer Court, Berryville. Mr. Echols said that senior housing was a valuable asset to the Town. He said there are many opportunities for seniors in Johnson-Williams Apartments or Mary Hardesty or the proposed Robert Regan Village to age in place through hospice care. He said these facilities are a good source of visitors and tourists. Mr. Echols distributed a document identifying meals tax revenues and said that the fiscal impacts from the proposed Regan House and assisted care facility is \$9,240. He said senior facilities would generate \$231,000 worth of meals adding that the downtown should be happy with this extra source of income. He said that Mary Hardesty House and the Robert Regan project would add significantly to the economy, specifying the amount of benefit as \$400,000 which is 10 percent of the \$4.5 million in meals purchased in the entire Town including Food Lion.

Mr. Echols continued saying that the document he distributed to Commissioners identifies what occurs and does not occur in the County. He said that Clarke County does not charge a cigarette tax and even worse, does not charge a meals tax. He said the County is the only jurisdiction that does not have this tax. He said that construction workers and those who work at Berryville Graphics go out of the Town for cigarettes and food because the County does not charge these taxes. He said that hotel feasibility study that we did identifies revenues in the region.

NEW BUSINESS

Set Public Hearing – Text Amendment

Chair Shaffer asked staff to describe the request. Ms. Dunkle said that Mr. Echols is requesting that housing for older persons residential including single family detached, single family attached – duplexes, triplexes, quadplexes, townhouses and multi-family apartments including personal service uses of less than 500 square feet be removed as a Special Permit use as it currently is in Section 614.3(c) of the Berryville Zoning Ordinance to allow these options as a use by right in the OPR zoning district. Ms. Dunkle added that Council has requested a public hearing be set and held in order for them to hear the matter on or before their October 2016 meeting.

There being no discussion, Ms. Malone made the motion to set a public hearing for the August 23, 2016 meeting, seconded by Ms. Marino, the motion passed by voice vote.

Set Public Hearing – Text Amendment

Chair Shaffer asked staff to describe the request. Ms. Dunkle said that Mr. Echols is requesting that the current maximum density of the Older Person Residential zoning district be removed in order to construct an unlimited number of senior units in the OPR district. Ms. Zimmerman said she had questions about this request that Mr. Echols might be able to answer. She asked the applicant what the number of projected units would be without a cap. Mr. Echols responded saying that without a cap there would be no limitation on seniors in Area B adding that there are 850 acres in the annexation area. He said that no one can find anyone who has put a cap on senior housing as an act of discrimination. He said he is anticipating that 120 units would be constructed and that Council could zone other land within the Annexation Area to take seniors. He added that proposed changes would allow senior apartments by right without the helter skelter development of the past.

Ms. Zimmerman stated that with such changes proposed, there would need to be a study to evaluate the request particularly where fire and rescue funding is concerned. She said that an unlimited number of senior apartments would significantly increase call volumes. Mr. Echols said that fire and rescue is not the Town's problem. Ms. Dunkle added that deed restrictions may be placed on developments anywhere that would allow age limits on residentially zoned parcels.

Ms. Malone confirmed that action was needed to set the public hearing for the matter. Chair Shaffer confirmed that was the case. There being no further discussion, Mr. Steinmetz made the motion to set a public hearing on the matter for the August 23, 2016 meeting, seconded by Ms. Malone, the motion passed by voice vote.

Set Public Hearing – Text Amendment

Chair Shaffer asked staff to describe the request. Ms. Dunkle introduced applicants Dr. Leah and John Knode who would like to open a veterinary hospital in Berryville. Ms. Dunkle reminded

Commissioners that this request is to set a public hearing for a text amendment to the C General Commercial zoning district and would apply to the entire district. She added that if the text amendment were approved then the Special Use Permit application would provide specific information on their business and proposed site.

Ms. Dunkle said that initial concerns about noise from barking dogs and dog waste were discussed with the applicants. Dr. Knode said they are very care with their properties in Round Hill and Lovettsville. She said they have a waste station at each location and dispose of the waste at the respective clinics. She added that there will be no excrement on public or private property. Ms. Dunkle said she had included Town Code language concerning animal regulations including disposal of dog waste and leash laws.

Chair Shaffer asked about noise concerns. Mr. Knode said that there has not been an issue with noise at either veterinary hospital location. Ms. Dunkle said the applicants provided contact information for staff at the Town of Lovettsville. Berryville staff contacted Ms. West who said there have been no issues. Ms. West added that the veterinary hospital is next door to the Town Hall. Mr. Knode added that most of the noise produced in this area is from three dogs who live across the street from the facility. Dr. Knode added that no animals will be kept outside and that it will not be a boarding facility.

OLD BUSINESS

Planning and Zoning Update

Ms. Dunkle said that after reading the article in The Observer about the water treatment in the Town, Ms. Malone contacted staff to see if a tour of the facilities would be available. Ms. Dunkle asked if anyone else would be interested adding that Mr. Tyrrell is on vacation and has offered to schedule a tour upon his return. Ms. Reid said that the article was very thorough and has cleared up a number of misconceptions about the utility plant. She added that the article helped people understand the process.

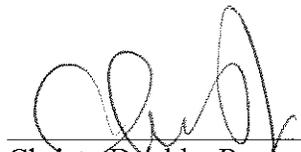
Ms. Zimmerman added that it was fair time and Mr. Shaffer added that the Steam Show is this weekend.

Adjourn

There being no further business, Chair Shaffer asked for a motion to adjourn the meeting. Ms. Malone made the motion, seconded by Ms. Reid, the motion passed by voice vote at 7:58pm.



Doug Shaffer, Chair



Christy Dunkle, Recording Secretary