

PLANNING COMMISSION
Berryville-Clarke County Government Center
MINUTES OF REGULAR MEETING
January 24, 2017

A meeting of the Berryville Planning Commission was held on Tuesday, January 24, 2017 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, Chair, Gwen Malone, Michelle Marino, Deb Zimmerman, Dale Barton, William Steinmetz, Krish Mathur

Members absent: Vice Chair Kim Kemp; Sheryl Reid

Staff present: Christy Dunkle, Assistant Town Manager/Planner

Others present: Dave Tollett (Planning Commission liaison), Alton Echols

Press present: Cathy Kuehner, Winchester Star

Christy Dunkle called the Organizational Meeting to order at 7:30pm.

ELECTION OF OFFICERS

Ms. Dunkle asked for motions for Chair and Vice Chair of the Berryville Planning Commission. Ms. Zimmerman made the motion to retain Mr. Shaffer and Ms. Kemp as Chair and Vice Chair, respectively. Ms. Marino seconded the motion which passed by voice vote.

APPROVAL OF AGENDA

Chair Shaffer asked for approval of the agenda. Mr. Steinmetz moved to approve the agenda as presented, seconded by Ms. Malone, the agenda was approved by voice vote.

APPROVAL OF MINUTES

Ms. Malone moved to approve the minutes of the November 22, 2016 Planning Commission meeting as presented, seconded by Ms. Zimmerman. The motion passed by voice vote.

APPROVAL OF COMPREHENSIVE PLAN COMMITTEE MINUTES

Committee Chair Steinmetz said there was no meeting held in January.

REGULAR SESSION

CITIZENS' FORUM

Chair Shaffer recognized Mr. Alton Echols, Berryville. Mr. Echols referenced the agenda item to discuss senior facilities in the zoning ordinance. He said there was a concern by the level of services including medical care, medical care, and public transportation. He said that emergency services are the responsibility of the County. He said you will find a conflict between best interests of a town and the best interests of a county which will be revealed when a fiscal impact is done. He said a town gets a

great fiscal impact out of senior facilities and referenced the report submitted with the last Robert Regan House application. He added that as far as the County is concerned, just their taxes alone from the existing rehab center bring in more than enough money with fee for service to handle county emergency service for all of the County. He said that has never been properly addressed because it has not been properly studied. He said that according to Virginia Code, the Plan update requires a review of fiscal impacts which will identify a different conclusion. Mr. Echols said he had data available. Ms. Dunkle requested clarification as to whether he is referencing “physical” or “fiscal” impacts and indicated the latter.

Chair Shaffer asked if anyone else wanted to speak. There were no additional speakers.

NEW BUSINESS

SET PUBLIC HEARING – Site Plan

Stuart Dunn, Agent, (Michele Fascelli, Owner), is requesting Site Plan approval in order to demolish a building and construct a parking lot for Mario’s Pizza at the property identified as Tax Map Parcel numbers 14A2-((A))-53, 14A2-((A))-54, and 14A2-((A))-55, zoned C General Commercial. SP 01-17

Ms. Dunkle described that this will be for a new parking lot where the Education Foundation previously had offices. She said the Architectural Review Board approved the demolition of the building located at 16 North Buckmarsh Street several years ago and that the property owner would like to construct a parking lot on this site. She said that review agencies have responded with comments and the Site Plan will be updated per those comments. She said she anticipated that final updated plans should be received by February 28.

Mr. Mathur asked that since the ARB approved it, what role does the Planning Commission play in the approval. Ms. Dunkle described the process for Site Plan review per Section 314 of the Zoning Ordinance. She said the ARB approved the demolition of the building several years ago. She described additional tasks by the ARB and the Planning Commission. Chair Shaffer added that it is much needed parking.

There being no further discussion, Mr. Steinmetz made the motion to set the public hearing for February 28, 2017, seconded by Ms. Malone, the motion passed by voice vote.

SET PUBLIC HEARING – Text Amendment

Ms. Dunkle said that the Virginia Department of Environmental Quality (DEQ) took over stormwater management tasks from the Virginia Department of Conservation and Recreation several years ago and that there had been significant changes to state stormwater regulations through General Assembly actions.

Ms. Dunkle said that the Northern Shenandoah Valley Regional Commission had responded to changes in the Commonwealth’s requirements and management of stormwater management and received grant funding to update ordinances and permitting efforts for localities. She said that most of the localities in the region that could “opt-out” of having local Virginia Stormwater Management Programs (VSMP) had done so, including Clarke County. She said Clarke has just repealed their

Stormwater chapter. She added that she will be reviewing the zoning and subdivision ordinances for references. She added that local staffing was a significant concern.

Mr. Steinmetz asked if we opted out, will DEQ craft ordinances for us. Ms. Dunkle said there are statewide regulations in place that will be enforced. She described the complexity of the process and described the process and new regulations including water quality and BMP's that will be used in the future and how easements might work in the future. She said that repealing this ordinance will allow the shifting of responsibility for review and approval to the Commonwealth. She described site plan and subdivision approval timeframes.

Ms. Malone read the motion as follows:

I move that the Planning Commission of the Town of Berryville initiate a text amendment repealing the Town of Berryville Stormwater Management Ordinance in order to avoid duplicitous local regulation of stormwater management by allowing the Virginia Department of Environmental Quality to serve as the sole regulatory authority for stormwater management in the Town of Berryville.

Seconded by Ms. Marino, the motion passed by voice vote.

Ms. Zimmerman made a motion to set public hearing for the February 28, 2017 meeting, seconded by Ms. Malone, the motion passed by voice vote.

REVIEW AND EVALUATION OF ZONING ORDINANCE FOR SENIOR FACILITIES

Ms. Dunkle said that Recorder Arnold had requested that Planning Commissioners review current regulations in the zoning ordinance concerning senior facilities to determine current uses by right and special permit with the concerning of levels of service and support services. She added that 120 units had been approved which would include approximately 200 additional residents. She said Rose Hill will be turning into a health and rehabilitation center. There was a discussion about the number of calls at Rose Hill and what the future might be as far as calls are concerned. Mr. Steinmetz asked about policies and management styles within each facility. Ms. Dunkle reviewed the number of units and beds currently in Town adding that the number of units does not necessarily reflect the number of residents. She referenced current zoning regulations related to senior facilities. She referenced a document produced by Valley Health concerning medical care in the region.

Ms. Barton, Ms. Zimmerman, and Ms. Malone volunteered to be on a committee to discuss the matter. Mr. Mathur asked about a timeframe. Chair Shaffer said that there should be a meeting in relatively short order but did not identify a timeframe.

OLD BUSINESS

PLANNING AND ZONING UPDATE

Ms. Dunkle said Town Council had approved the House Paws Special Use Permit. She added that the text amendment for fast food restaurant parking had also been approved. She said the BADA will continue the public hearing for assisted living facility and McDonalds the following night. Ms. Dunkle said that they will be reviewing elevations and signage package for the McDonald's at that time adding that their agenda packet was available on the Town's web site. She described the building elevations and signage.

Ms. Dunkle said that the ARB has been busy reviewing signage requests. She said that Downtown businesses had a great Christmas season. Commission members asked the status of Charlie's and Middleburg Bank openings. Ms. Dunkle said she anticipated that Charlie's would open soon and would contact the Middleburg Bank to check their status.

OTHER

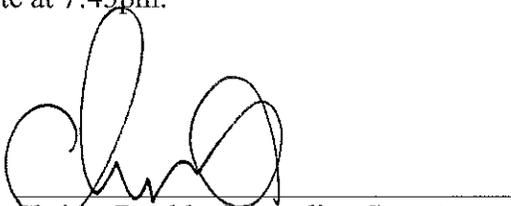
There was no other discussion.

Adjourn

There being no further business, Ms. Malone made a motion to adjourn the meeting, seconded by Ms. Zimmerman, the motion passed by voice vote at 7:45pm.



Doug Shaffer, Chair



Christy Dunkle, Recording Secretary