

BERRYVILLE AREA DEVELOPMENT AUTHORITY
MINUTES - REGULAR MEETING
Wednesday, October 25, 2023 at 5:00PM
Berryville-Clarke County Government Center – Main Meeting Room
101 Chalmers Court – Berryville, Virginia

A meeting of the Berryville Area Development Authority (BADA) was held on Wednesday, October 25, 2023.

ATTENDANCE

Authority Members Present: Diane Harrison; John Hudson; Allen Kitselman (Chair); George L. Ohrstrom, II (Vice-Chair); Kathy Smart; David Weiss (arrived late)

Authority Members Absent: None

Staff Present: Christy Dunkle (Berryville Community Development Director), Brandon Stidham (County Planning Director)

Chair Kitselman called the meeting to order at 5:05PM.

APPROVAL OF AGENDA

Vice-Chair Ohrstrom asked if Ms. Dunkle could provide an update on the Friant rezoning application and she agreed. Chair Kitselman said that this item will be added under Other Business.

The Authority voted 5-0-1 (Weiss absent) to approve the agenda as amended.

Yes: Harrison, Hudson (moved), Kitselman, Ohrstrom (seconded), Smart

No: None

APPROVAL OF MINUTES – AUGUST 2, 2023

The Authority voted 5-0-1 (Weiss absent) to approve the minutes of the August 2, 2023 meeting as presented.

Yes: Harrison (moved), Hudson, Kitselman, Smart (seconded)

No: None

REVIEW OF SOUTHEAST COLLECTOR STUDY – BERRYVILLE AREA PLAN UPDATE

Ms. Dunkle said that she included general transportation information in the packet because it relates to the collector study. She said that she had a discussion with Mr. Stidham about the County’s transportation

priorities and said he noted that the priorities have not been finalized yet. Mr. Stidham noted that the update of the County's Transportation Plan is a project that is underway and is separate from the collector study. He said that transportation plans are required to be reviewed by the Virginia Department of Transportation (VDOT), adding that the point of the review is to ensure that the locality's priorities are capable of being funded, completed, and supported by the State's six year construction plan. He said that the County's current Transportation Plan was adopted in 2015 and contains 9-10 projects that have never been prioritized. He added that the Comprehensive Plan Committee asked Staff to prioritize the projects for the Plan Update. He also said VDOT reviewed the project prioritization and shared County staff's concern that the projects' scopes have not been updated and lack metrics to support need for the projects. He noted that most of the projects with the exception of the recent projects at Route 7 and Route 601 have been in the County's Transportation Plan for many years and need to be updated. He said the draft Plan proposes to have VDOT review each project over the next five years to determine whether there is a need for the projects as well as whether VDOT has projects in mind that the County should include. He said that VDOT responded with a list of projects supported by crash data that includes both current and new projects not in the current Plan. He added that VDOT said it is okay to include our projects that are not supported by crash data but that these projects should be on an un-prioritized list. He said County Staff has not been able to complete review of VDOT's recommendations or to report back to the County Planning Commission. Mr. Stidham said that the collector road project is currently proposed to be included in the un-prioritized list of projects in the draft Plan, adding that the collector road project is referenced in the current 2015 Plan but not included in the list of priority projects. He added that VDOT did not include the collector road project in the list of projects they prioritized with crash data.

Ms. Dunkle said that the current Berryville Area Plan contains the top three projects from the County's Transportation Plan priorities. Mr. Stidham replied that those projects were not prioritized and added that they are the three projects located in whole or in part within Berryville – East Main Street, West Main Street, and the park-and-ride lot. Ms. Dunkle asked Mr. Stidham how he sees updating the Berryville Area Plan with prioritized projects. Mr. Stidham replied that it is up to the Authority to decide and that the approach in the 2015 update was to include these projects from the County Transportation Plan. Ms. Harrison asked about the project area for the East Main Street project, noting that the Town recently obtained funding for sidewalk improvements. Mr. Stidham replied that it is from the railroad tracks to Route 7 and added that this is why we need VDOT to help update our project scopes. Mr. Stidham said there is a similar situation on West Main Street between Hermitage Boulevard and Route 7 as numerous improvements have been done over the years along this corridor. He added that VDOT has recommended a project to evaluate the intersection of Route 7 and West Main Street so that might be a better focus.

Vice-Chair Ohrstrom said that the collector road is a complicated issue and it is something we need to continue to work on because it is needed. He asked for confirmation that a crossing at Smallwood Lane is the only option since Norfolk Southern will probably not allow a new at-grade crossing and Ms. Dunkle said yes. He suggested hiring a professional to tell us what it would take to improve the intersection of Smallwood Lane for the collector road because the study does not tell us this. **Ms. Dunkle said that there are other details in the study and that Option B is the intent with the possibility of phasing. She added that you do not want to load up the East Main Street intersection with more traffic than is already occurring.** ~~Ms. Dunkle said that Option B is the intent which goes all the way through but you want to make sure you do not load up East Main Street with traffic.~~ She noted that the collector study recommends a 70-foot right of way which is larger than the other collector roads in town that have 60-foot rights of way. She added that this collector road is the last to be built in the collector system. She also noted that the study recommends a speed limit of 50 MPH which is not appropriate for that type of road. Chair Kitselman said if you were able to create a new access point across an improved crossing, it would

likely be moved to the north. He added that the Hardesty property could be in play as well and that this is all in the future.

Mr. Weiss entered the meeting at 5:15PM.

Mr. Hudson said that the chances of this going through is practically nil. Mr. Stidham said that Norfolk Southern did not want to allow a new crossing at Jack Enders Boulevard because of the horizontal and vertical alignment of the track. Mr. Hudson clarified that he is talking about a crossing at Smallwood Lane because Norfolk Southern has not provided anything in writing to say that this can be approved. Ms. Dunkle explained that an engineering study would be required to get Norfolk Southern to approve an at-grade crossing. Vice-Chair Ohrstrom asked how much that would cost and Mr. Stidham replied that the fee to Norfolk Southern to review engineered plans is \$25,000. Mr. Hudson said that nothing guarantees that Norfolk Southern will be satisfied with the crossing once they have reviewed the engineering. Ms. Dunkle said that once they review the plans, Norfolk Southern will tell you what else will be required including potential closures of other crossovers. Mr. Hudson asked if there is any record of how other localities have fared in working with Norfolk Southern, noting that we could spend a lot of money only to have Norfolk Southern tell us no. Mr. Weiss noted that Norfolk Southern does not want any new crossovers. Mr. Hudson said that without assurances, this does not work. He added that Concept D only adds more traffic without creating another way out. Ms. Dunkle said that Concept D is not preferred. Mr. Hudson asked if Concept D is to build a portion of the road and hope someone else builds the rest. Ms. Dunkle replied that the study shows alternatives and that phasing could be considered. Mr. Stidham said that a lot of counties take a phasing approach where they have developers build their portions of a road as they develop their properties. He added that this may get a road completed in a few years if development is hot, otherwise you could wait 20-30 years to get the road finished. Mr. Stidham said the real risk is creating a problem by allowing the interim pieces to be built without finishing the project.

Mr. Hudson said he is trying to understand the logic of allowing Concept D. Mr. Weiss said that the Smallwood property was identified because it is adjacent to the Business Park and could offer a new solution for the collector road. He added that there have been no studies to determine whether the Smallwood property works or does not work for development. Chair Kitselman added that it also has a railroad crossing. Mr. Hudson said he is wondering what is the best use of the localities' time given Norfolk Southern's control over the rail crossing. **He asked at what point should we say that we have done more than the required due diligence and, despite promising the Business Park developers that the road would be built, this project is not going to be a reality. He asked when we should determine that even though this road was promised and we have done our due diligence, this project is not going to be a reality.**

Mr. Stidham noted that being "shovel-ready" may be important because the answer that you get from Norfolk Southern at the conceptual stage may be very different from asking them for a crossover when you have development next to it and are ready to build. He also said that being shovel-ready can get you the most points under the current scoring system for Smart Scale funding. He added that if you proceeded with Concept D, added the property to the Plan, rezoned the property, and had development underway you would get the project close to shovel-ready. He said the other approach is to keep the project in the Plan and if someone really wants to develop the property, they will be expected to build the collector road. He said the question is whether someone will want to invest heavily in developing that property and pay \$10 million plus to build the road. Chair Kitselman said that it does not change the fact that it is good planning and that he would hate to see us take the project off the table even if it is 20 years before it is built. He added that the collectors are important for the growth of Berryville. He also said that going with Concept

D will just make traffic on East Main Street worse. He said that just because it is hard does not mean we should not keep it on our radar.

Mr. Weiss said that if you continue to have an infeasible project in your Plan, you hamstring future planners because you are pointing people in a direction that you probably should not. He added that the Smallwood property is not a great property and is hard to get into and out of. He said it would not be the end of the world to keep it in the Plan. Chair Kitselman asked Mr. Weiss if he is advocating to remove the project from the Plan. Mr. Weiss replied that it should be kept as a deferred project and not as a viable priority at this time. He added that it is not viable unless you spend a significant amount of money to advance it and also noted that VDOT recommends adding 3% to the project cost each year. Vice-Chair Ohrstrom asked if Concept D should be pursued now if we want to expand the Business Park. Mr. Stidham replied that it does not meet the Town's goal of relieving traffic and would actually add to it in the form of more truck traffic. Mr. Weiss said the problem is if you cannot get the collector road, then Concept D is not a good idea because of the traffic. Ms. Dunkle suggested taking Concept D off the table and focus on the collector road concept. Mr. Hudson said that Concept B is still a long way off and will require funding to advance. Ms. Dunkle replied that she respectfully disagrees and said that the study does not confirm this. She added that Norfolk Southern not being responsive to inquiries over the years should not be taken as the project is not viable. Mr. Hudson agreed with Ms. Dunkle that the project is important to the Town but he would like to see some movement from Norfolk Southern on what they will allow us to do. Ms. Dunkle replied that we will not get any movement without going through their engineering review process. Mr. Hudson said we are going to be talking about this project for many years and Norfolk Southern is likely to come up every time. Mr. Weiss also noted that Smallwood Lane is narrow and the existing houses and conservation easement to the south will be challenges to developing a collector road. He added that the cost to get to the railroad track is probably prohibitive. He suggested considering other areas that might be more viable.

Mr. Stidham said that it sounds like everyone is in agreement that Concept D is not a good idea. He added that if this is going to be a developer-driven project, then maybe the Plan should require developers to come in from US 340 and solve the crossover problem first before developing through the Smallwood property. He noted that this may get the project to shovel readiness quicker with less local investment and that would be the better time to approach Norfolk Southern. He said that the developer would be on notice that once the crossover issue is resolved, they would be expected to build the road through to Jack Enders Boulevard. **Ms. Dunkle asked what kind of commitment does the County and Town have to give that potential future growth area the thumbs up.** ~~Ms. Dunkle asked what it would take to give that potential future growth area the thumbs up.~~ Mr. Stidham replied that this is where feasibility is important – how feasible do we think it is that a developer would want to do this project. He said it may be more likely that a developer would want to do the project as a residential development but is this the best use for the property. Mr. Hudson said that requiring development from US 340 first is a great concept and should be added as an option. Mr. Stidham added that it is still a slim possibility that someone would want to develop the property and build the road. He asked to Ms. Dunkle's point, do we see this project as being feasible enough to add the property to the annexation area or do we leave guidance language in the Plan to describe our expectations for future development before adding it as an annexation area. Mr. Hudson said he prefers the latter option because there are so many variables and unknowns. Mr. Stidham added that we have two other potential future development areas that do not have rail crossings but they do involve residential development. He added that we can re-conceptualize anything in the Plan update process.

Mr. Hudson said it is good approach but he does not want to see the issue discussed for months and months with no resolution. Chair Kitselman reiterated that it is good planning to keep the collector road concept. He said there is no solution now that jumps out but there could be one in the future. Mr. Hudson said we

could leave it in the Plan but not continue to commit time to it by discussing it. Ms. Harrison said it is important to leave it in the Plan with the guidance to come in from US 340 first. She added that there are over 200 houses proposed on the Friant property that will create more congestion especially with trucks in that area, and it would be a good idea to have a way to move that traffic out to US 340 to relieve some of the congestion. Mr. Weiss said you are asking future planners to find a valve for the traffic that is not there. Ms. Harrison replied then we need to keep this concept in the Plan until we find a better solution in the future. Mr. Stidham asked if there is a consensus that this should be a developer-driven solution. Vice Chair Ohrstrom replied that this is always worrisome to him. Mr. Stidham added that this would be in the Plan with the guidance that developers will be expected to bear the lion's share of completing the collector road. Chair Kitselman said our governments are unable to afford the cost so this is probably our best option. Mr. Stidham noted that VDOT is soliciting comments on proposed changes to Smart Scale that would shift the funding again towards much larger projects in Northern Virginia and Tidewater so funding for projects like the collector road will probably be difficult to obtain. There was a brief side conversation regarding VDOT's improvements to date at the intersection of East Main Street and Jack Enders Boulevard. Ms. Smart said she agreed with Ms. Harrison and Mr. Hudson about leaving the collector road in the Plan and also agreed that developers would have to pay for it.

Ms. Dunkle asked Mr. Stidham how he envisions the potential future growth areas to shake out, noting that she does not know how to respond to potential developers that call with questions because the properties are in the County. Mr. Stidham replied that meeting with developers as a team has worked in the past with his discussion of how the property fits into the Plan and Ms. Dunkle explaining the annexation process. Mr. Stidham added that the Authority will need to decide whether to make any changes to the potential future growth areas through the Plan update process. Mr. Hudson asked if the Smallwood property was added as a potential future growth area in the 2015 update. Mr. Stidham replied yes and added that we did not have potential future growth areas in the previous version. Mr. Hudson asked if there was a lot of support for this addition. Mr. Stidham replied that it coincided with us first learning that the extension of Jack Enders Boulevard would likely not be feasible. Mr. Hudson said it sounds like there is a consensus to leave it in the Plan for now with the directive that it be developer-driven.

Mr. Stidham explained that the process for navigating the Plan and County and Town ordinances was originally different with the County handling the rezoning and land use approvals before the property was annexed into the Town. He said that this process was developed before the Town had professional staff to handle land use reviews. He added that the Plan update will need to address these process changes and any future process changes which could guide the update of the annexation agreement as well. Ms. Dunkle noted that it is difficult for residents to understand that growth is planned for in the Town. Vice Chair Ohrstrom said that people need to understand that we have to have a place for new residential growth. Ms. Dunkle stated that she has been collecting updated demographic information for the Plan update and there was a brief discussion about future growth in Frederick County and widening of **Route 7**.

Mr. Stidham said that for the Plan draft, we can tell the story of what was discussed at this meeting in regards to the collector road and members agreed by consensus.

OTHER BUSINESS

Ms. Dunkle provided an update on the status of the Friant rezoning application and the October 24 Town Planning Commission public hearing. Vice Chair Ohrstrom asked for confirmation that the property needs to be rezoned in order to get the higher density and Ms. Dunkle replied yes. Ms. Dunkle said many of the public hearing speakers were from the County and were concerned with a number of issues, noting that aesthetics is a big concern. Mr. Weiss asked where the application stands in relation to the review criteria in the Plan to get the increased density. Ms. Dunkle said the Plan allows for applicants to **request** access to

unused dwelling units through rezoning. Ms. Smart asked how many units are proposed and Ms. Dunkle replied 214. Ms. Dunkle said the Plan recommends 112 dwelling units but you have to consider Sub-Area 14 which changed from business park to residential in the Plan but is still zoned Business Park. She said that Sub-Area 15 allows approximately 66 houses by-right without rezoning Sub-Area 14.

Mr. Weiss asked if the applicant has addressed interconnectivity. Ms. Dunkle replied that the applicant says they have it but she has not received anything to confirm it. Mr. Weiss asked about the proposed houses in the viewshed. Ms. Dunkle replied that this has been discussed with the applicant a number of times and the Town Planning Commission has visited the site. She said they have asked them to take the houses out of this area as recommended in the Sub-Area 16 description. Mr. Weiss asked if they have been told that they must connect to East Main Street before connecting to the subdivision and Ms. Dunkle replied yes and that this would be the construction entrance. Ms. Dunkle also said they have recommended phasing. Mr. Stidham asked for confirmation that the applicant said the stormwater will all flow to the north and Ms. Dunkle replied yes. Mr. Stidham said that he was concerned because western areas of the property appear to drain to the south towards the existing subdivision and the applicant did not show any stormwater detention areas there. Ms. Dunkle said that if the subdivision road does not cross the Emma property, then there would be two separate subdivisions with one accessing East Main Street through the existing subdivision. She said connectivity is important and there are concerns about impacts to the intersection of Battletown Drive and East Main Street.

Mr. Weiss asked Ms. Dunkle if she would recommend approval of the application in its current state and she replied no. She added that the applicant has asked for a deferral to the November 28 Commission meeting. She also said that the Commission's 100-day review period ends on November 30 so the applicant would need to request another deferral for the Commission to be able to continue its review. She said the Commission is having trouble understanding the applicant's school impact numbers. Mr. Weiss said that is not the problem the Commission should be focusing on. Ms. Dunkle agreed and said that transportation is the big issue. Mr. Weiss said that if they cannot get the interconnectivity then Ms. Dunkle cannot recommend approval and she agreed. Mr. Weiss added that he did not think that the applicant would be able to get an agreement in two weeks with the Emmas to cross their property and Ms. Dunkle replied that the applicant said they have an agreement but she has not seen it.

Mr. Weiss asked Ms. Dunkle what she thought her guess would be as to the number of houses the applicant would ultimately build and she replied that she did not know. Vice Chair Ohrstrom asked if she knew what the break-even number is. Mr. Stidham said that other developers they met with previously could not make their numbers work at around 180 homes. Ms. Dunkle reiterated that most of the concerns were about aesthetics and how you can make the development look better. She noted that most subdivisions are going to look barren at the beginning after tree clearing and grading. Mr. Weiss noted that houses can be built with different colors and materials to improve aesthetics. Ms. Dunkle noted that Hermitage was built with different builders so there is more variety in style and setbacks. She said that she has encouraged this developer to vary the building locations to shake up the street frontage. She added that several of the public hearing speakers expressed anger towards the applicant and the quality of their developments. She also said some speakers want affordable housing.

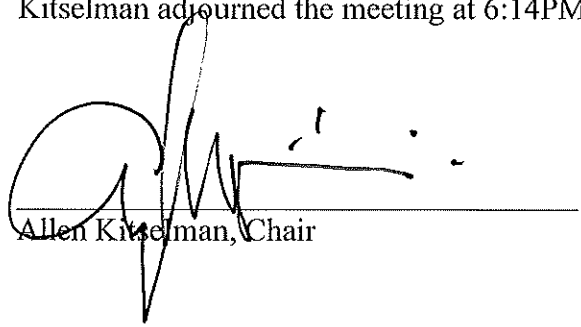
Chair Kitselman said that we have a serious education problem regarding planning. Mr. Weiss said that he did not think he could support 214 homes. Mr. Stidham said that he thinks the public would still be upset with 108 houses. Mr. Weiss agreed that educating the public is important. He added that in a lot of cases sprawl is what people have experienced in the communities that they came from. Mr. Hudson said that the overwhelming comment he receives from people is that added development will make internet speeds

worse for current residents. There was a brief side conversation about the All Points Broadband project to bring fiber optic broadband to the County and several other localities in the region.

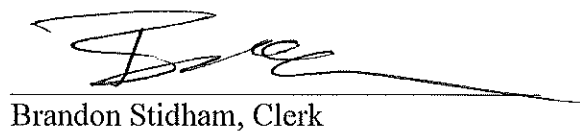
Members discussed the date for the next meeting, agreeing to cancel the November 15 meeting and moving the December 13 meeting to Wednesday, December 20 at 5:00PM. Mr. Stidham said that the next discussion topic per the work plan is residential density and housing types.

ADJOURN

There being no further business and on a motion from Ms. Smart, seconded by Mr. Hudson, Chair Kitselman adjourned the meeting at 6:14PM.



Allen Kitselman, Chair



Brandon Stidham, Clerk