

BERRYVILLE AREA DEVELOPMENT AUTHORITY
MINUTES - REGULAR MEETING
Wednesday, March 9, 2022 at 7:00PM
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, March 9, 2022.

ATTENDANCE

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

Staff Present: Christy Dunkle, Berryville Assistant Town Manager; Brandon Stidham, County Planning Director

NOTE: George L. Ohrstrom, II participated electronically due to health issues related to the current pandemic.

Chair Kitselman called the meeting to order at 7:00PM.

APPROVAL OF AGENDA

The Authority voted to approve the agenda as presented.

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

No: None

Absent: None

APPROVAL OF MINUTES

The Authority voted to approve the minutes of the January 26, 2022 meeting as presented.

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

No: None

Absent: None

CONTINUED PUBLIC HEARING – LOT 56 JACK ENDERS BOULEVARD

Vice-Chair Ohrstrom stated for the record that his brother is close friends with the Lara Dunlap (agent for the applicant LGV Group, LLC) but that he personally does not have any financial interest in this application.

Ms. Dunkle noted that this is a continued public hearing and stated that the applicant will be modifying the plan to comply with stormwater management requirements per the Virginia Department of Environmental Quality (DEQ). She then asked Ms. Dunlap to provide an overview of the proposed changes. Ms. Dunlap stated that in conjunction with the most recent review of their stormwater plan, the DEQ plans reviewer included several additional comments that would have resulted in significant additional time to achieve compliance. She added that in response to this review, they have taken a second look at the project and decided to reduce the number of proposed buildings from three to two and from 171,000 square feet to 142,000 square feet of buildings. She said this will provide larger buffers and additional open space to allow the stormwater management plan to be approved. She said they will resubmit their plan to DEQ by the third week in March and has asked that the application be continued to the Authority's May 11 meeting.

Vice-Chair Ohrstrom asked if the action would be a continuation or a deferral. Ms. Dunkle replied that Staff recommends the public hearing be closed and the matter deferred to the May 11 meeting. She added that the public hearing would need to be re-advertised and adjacent property owner notices would need to be re-mailed. Mr. Weiss asked about DEQ's problems with the stormwater plan. Ms. Dunlap replied that DEQ had problems with the pond and runoff. She continued by stating that DEQ initially required one bio-retention pond to be installed and then changed it to four bio-retention ponds. She said that the expense to comply was not going to work. Mr. Weiss asked if this was being required for rooftops and asphalt and Ms. Dunlap replied that they reduced their asphalt from 8 acres to 6 acres. Vice-Chair Ohrstrom replied that this sounds like it was a major roadblock to the project. Ms. Dunlap noted that the review was a surprise and added that they have worked with DEQ before on other projects and never had these problems. Vice-Chair Ohrstrom noted that you can have this problems with a State agency if different reviewers are reviewing different versions of the same plan. Chair Kitselman noted that DEQ issues their comments in writing that a different reviewer sees when reviewing revised plans but they will sometimes disregard those comments and the applicant's corrections. Ms. Dunkle and Ms. Dunlap both noted that in this case, DEQ was using the same reviewer.

Mr. Hudson asked whether the Authority is allowed to defer the public hearing given the extent of the changes. Ms. Dunkle said yes because the changes are less intensive than what was originally proposed.

Mr. Weiss said that he would like to get the name of the DEQ plan reviewer to find out why DEQ is costing the Town and County tremendous amounts of money, adding that it is a by-right industrial project and that runoff is not going to go anywhere. Mr. Stidham noted that there could be mixed messages coming from the Richmond DEQ office to the plan reviewers in the regional office about how these plans should be reviewed. He added that DEQ has apparently changed their requirements for stormwater leaving a subject property in the context of a different application that is being worked on for submission to the County. He also noted that sometimes a phone call to the County's state representatives can help clarify these issues.

Vice-Chair Ohrstrom moved to accept the applicant's deferral request and to set public hearing for the May 11 meeting. The Authority voted to defer action and set the public hearing for the May 11, 2022 meeting.

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

No: None

Absent: None

Ms. Dunkle noted that the public hearing was not closed. Mr. Stidham said that it would be appropriate for Vice-Chair Ohrstrom to amend his motion to close the public hearing.

Vice-Chair Ohrstrom amended his previous motion to close the public hearing, to accept the applicant's deferral request, and to set public hearing for the May 11 meeting. Mr. Weiss asked if we are setting public hearing for a plan that the Authority has not seen yet. Mr. Stidham replied that this would be a bigger concern if the applicant was proposing a more intensive layout but in this case, the changes would produce a less intensive layout. He added that the only reason the public hearing needs to be re-advertised is because the original description noted a number of proposed buildings of a certain size that will be changing. Mr. Weiss said that he wanted to make sure that we will be advertising what will be in the revised plan for review at the next meeting. Ms. Dunkle reiterated that she will change the public hearing advertisement and re-mail to the adjoining property owners.

The Authority voted to close the public hearing and to defer action and set the public hearing for the May 11, 2022 meeting.

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

No: None

Absent: None

OTHER BUSINESS

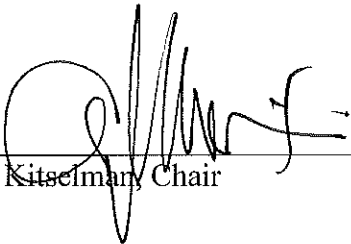
Ms. Dunkle stated that Town and County staff have been discussing the Friant property with a developer and the attorney for that developer would like to discuss their plans with the Authority on March 23. Vice-Chair Ohrstrom asked if it would not be a good time to discuss annexation with the Authority at the same meeting that potential developers for the Friant property will be on the agenda. Mr. Stidham said that it would not be an issue to have that discussion on March 23 because the Friant property has already been annexed. Mr. Weiss asked if this would all be in open session and Mr. Stidham replied yes. Chair Kitselman asked if Staff has time to prepare a guided discussion for March 23. Ms. Dunkle replied that Staff has had general discussions with the developer about their plans including transportation and utilities but the discussion for March 23 will be mainly about density. Chair Kitselman noted that he was referring to the annexation area conversation. Mr. Weiss added that Ms. Dunkle gave a good answer to the question he was going to ask. Ms. Dunkle added that no application has been filed for the Friant property and that the Berryville Area Plan addresses a lot of the points that the developer's attorney will be discussing. She continued by stating that the developer will need to file a rezoning application but will also need start with the Authority with a land use map amendment to the Berryville Area Plan. She added by saying that the Authority would need to act on a formal recommendation regarding the developer's land use map amendment request, and that this would require action by the Board of Supervisors and Town Council to adopt. Mr. Stidham explained that according to the matrix in the Area Plan, rezoning applications are not reviewed by the Authority and are reviewed instead by the Town Planning Commission and Town Council. He added that the subdivision plat is also reviewed by the Town and would not come to the Authority. He said that the plan of development may require them to request a map amendment in order for them to file their rezoning and subdivision applications in a manner consistent with the Area Plan. Ms. Dunkle corrected Mr. Stidham by noting that the subdivision plat application would come to the Authority for review and approval per the matrix. In response to Chair Kitselman's original question, Mr. Stidham replied that Staff will be ready for a guided discussion of annexation when the Authority decides to have it.

Mr. Weiss suggested having the annexation area discussion to a different meeting but asked whether it would have any bearing on the Friant property discussion. Mr. Stidham replied that he did not think it would have any impact on that discussion at all. Ms. Dunkle said that it involves the number of floating dwelling units to be used. Mr. Weiss asked how long the Friant discussion would take. Mr. Stidham replied that he did not know but added that they have recommended to the developer that they show their entire project to the Authority if they are proposing a map amendment to the Area Plan. He added that since no application has been filed, the applicant needs to present it to the Authority on their own. He also

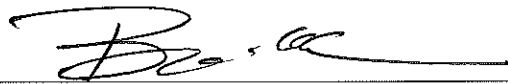
said that it would not be a problem to have the annexation discussion on May 11. Members preferred to have the annexation area discussion at the May 11 meeting. Ms. Smart asked for confirmation that we will also be meeting on March 23. Ms. Dunkle replied yes and added that there would be no meeting in April.

ADJOURN

There being no further business and on a motion from Mr. Hudson, seconded by Ms. Smart, Chair Kitselman adjourned the meeting at 7:18PM.



Allen Kitselman, Chair



Brandon Stidham, Clerk