

BERRYVILLE AREA DEVELOPMENT AUTHORITY
MINUTES - REGULAR MEETING
Wednesday, March 23, 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 23, 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

Others Present: Ty Lawson, Priya Tiwari, Les Adkins (via conference call), and Dave Boeing (representing D.R. Horton); Joan Fine (representing Max and Ruth Emma)

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, Kitselman, Ohrstrom (seconded), Smart (moved), Weiss

No: None

Absent: None

APPROVAL OF MINUTES

The Authority voted to approve the minutes of the March 9, 2022 meeting as presented.

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

No: None

Absent: None

PRESENTATION – FRIANT PROPERTY

Chair Kitselman introduced Ty Lawson (attorney for D.R. Horton) to present the agenda item.

Mr. Lawson stated that he was here to present a plan for development of the Friant property which was recently annexed into the Town. He said that a rezoning application will be filed and said that, as part of this process, a presentation should also be made to the BADA. He said that the Berryville Area Plan has planned for growth to be directed to the Town where there is infrastructure, transportation, shops, and restaurants, and that density and growth is needed to support these things. He said that the development plan would propose a change to the boundaries of Sub-Area 16 in order to accommodate the layout. He then reviewed a brief Powerpoint presentation depicting maps from the current Area Plan and proposed subdivision layouts. He noted that the current zoning for the subject property does not allow for the number of homes they propose to construct but the Area Plan provides for unused dwelling unit rights to be used with a rezoning that meets specific criteria. He said that the density of the proposed development plan would still fall short of the Area Plan's recommended density to support the Town's public water and sewer infrastructure. He stated that the 106 lots can be developed on the property by-right and that the development plan proposes using an additional 108 dwelling units for a total of 214 proposed lots. He noted that even with using 108 dwelling units, there would still be about 100 dwelling units available for use elsewhere.

Mr. Lawson then reviewed slides depicting the proposed lot layout and infrastructure improvements. He noted that the plan proposes connecting two lot areas via public road that would cross the Bel Voi property and added that they are currently in discussion with the property owners about this connection. He also said they have an alternative layout that proposes no connection. He described how the right-of-way for the main entrance road was acquired from the owners of the Audley property several years ago. He said that he believes the development plan meets the criteria established in the Area Plan to allow for approval of a higher residential density. He also noted that they propose to add additional open space areas that would include walking trails, and an internal sidewalk system that can eventually connect to the Town's sidewalk system. He said that they plan to turn over the open space areas and trail system to a homeowners association that would be established, and added that the developer would be willing to place the open space into a conservation easement.

Mr. Lawson explained how the right-of-way for the main access road through the Audley property will be able to accommodate construction of the road and entrance improvements. He said staff is present to answer specific questions about the entrance improvements and noted that the location near the Route 7 signalized intersection is a benefit to the project. Vice-Chair Ohrstrom asked who would own the easement, maintain the road, and whether the homeowners association or the owners of the Audley property would be responsible for the road. Mr. Lawson replied that the right-of-way agreement between the owners of the Friant and Audley properties was recorded in 1990, and an additional agreement identifying the specific location of the right-of-way was recorded in 2015. He said the developer is obliged to build a State-maintained road through the Audley property. Mr. Weiss asked if the road would be dedicated to the State or to the Town and Mr. Lawson replied that it would be dedicated to the public body. Mr. Stidham said the road would be State-maintained from Business Route 7 to Town limits and then would be Town-maintained from that point forward. Vice-Chair Ohrstrom asked who would be responsible for snow removal as he understood that the Town does not plow their own streets. Mr. Weiss replied that the Town does remove snow on Town streets and that the State would be responsible for snow removal on the portion of the road that is State-maintained. Mr. Lawson said that the developer would have to post a bond to ensure the road is properly constructed. He added that he would be happy to share copies of the right-of-way agreements with the Authority.

Ms. Dunkle asked if the stormwater plans have been discussed with Virginia Department of Environmental Quality (DEQ) staff. She added that this can have an impact on lot yield and noted that the developer of the new section in The Hermitage lost six lots to accommodate required stormwater features. Mr. Boeing commented that they have done preliminary sizing of the facilities to meet DEQ requirements. Mr. Stidham asked if they have shown the plans to DEQ staff. Mr. Boeing replied no and added that it is a typical plan that they see all the time. Mr. Stidham noted that they should meet with DEQ staff given some of the changes that DEQ has made impacting other types of projects.

Mr. Weiss asked about the viewshed protection issues on the Bel Voi property and noted that a representative for the property owners is present this evening. Mr. Lawson said that they have met with the property owners and their attorney Ms. Fine. He said a viewshed analysis has been done from various points, noting that the property is visible from the bypass. He noted that Bel Voi's viewshed of the Blue Ridge would not be obstructed by this development plan. He said that the Friant property falls away from Bel Voi except for a small knoll which is located on the Bel Voi property. He added that the view of the Blue Ridge from the house is unobstructed and quite nice, and the proposed houses closest to this viewshed would sit topographically lower. He also said that comments in meetings with the Town recommended additional landscaping in key locations.

Mr. Hudson asked if existing Battletown Drive would be connected to the proposed access road. Mr. Lawson replied that the Town recommends connectivity to Battletown Drive. He noted that he does not see a lot of need for the proposed development to access the existing neighborhood's street network but said that this connectivity would be an asset for the existing residents to have another way out to Route 7. Mr. Hudson asked if the easement across the Bel Voi property has been finalized to allow the proposed access road to continue through to the western part of the development. Mr. Lawson replied that they are in discussion with the property owners. He said that they would prefer to have this connection but could remove it if necessary. He added that the Berryville Area Plan contemplates this connectivity and that the Town is correct in requesting it. He said that connectivity would be a benefit to the Bel Voi property owners, particularly if they are contemplating additional uses associated with the house. Mr. Hudson noted that the connectivity is critical to the flow of the road network and Vice-Chair Ohrstrom agreed. Regarding connectivity to Battletown Drive, Mr. Weiss asked if additional land would need to be acquired from the property owners. Mr. Lawson replied no and that it would be accommodated in the right-of-way.

Vice-Chair Ohrstrom asked what action is being requested of the Authority at this meeting. Mr. Lawson replied that they are asking for the Authority's approval that the development plan complies with the Berryville Area Plan including use of the additional dwelling units to increase the density. Vice-Chair Ohrstrom said that this would be a Town Council question to answer and not one for the Authority. Ms. Dunkle said that this would not be an approval and Mr. Lawson added that it would be a recommendation. Ms. Dunkle said the rezoning application would include the Berryville Area Plan amendment which is where the Authority would start defining what that is. Vice-Chair Ohrstrom said that it is his understanding that the boundaries of Sub-Area 16 containing the Bel Voi property were drawn following a property walkover. He added that the developer is asking the Authority to think about a plan amendment to change the boundaries to match the development plan. He said that it would be important for the Authority to walk the property again before making any decision on changing the boundaries. Mr. Weiss agreed and added that before any changes can be made to the Area Plan, the developer needs to come to an agreement with the owners of Bel Voi. Mr. Lawson said he agrees that they need to settle an agreement on connectivity. Mr. Weiss asked if it would affect the proposed density. Mr. Lawson replied no and added that he would defer to the Authority on this question.

Mr. Adkins reviewed the traffic study for the project, noting that the scope was developed following meetings with Virginia Department of Transportation (VDOT) staff, Ms. Dunkle, and Mr. Stidham. He

said the final traffic study will be reflective of the proposed rezoning. Mr. Lawson asked for confirmation that Mr. Adkins has studied the traffic impacts with and without the connection through the Bel Voi property and Mr. Adkins replied yes. Mr. Adkins said that ultimately they will be providing adequate roadways to convey traffic to the Route 7 bypass and are studying any potential impacts on the signalized intersection.

Ms. Harrison said she is concerned that the proposed entrance is at the top of a hill and could result in accidents. Ms. Dunkle stated that she and Mr. Stidham met with VDOT in 2013 to determine the best location for the entrance. She added that issues including sight distance and speed limit were discussed at that time. Mr. Stidham noted that if there are vertical or horizontal alignment issues, the developer would have to address those issues at the time of construction. Ms. Harrison asked about the connection to Battletown Drive and whether measures could be taken to reduce traffic from using that connection as a cut through. Mr. Lawson replied that there really is not a reason to use Battletown Drive as a cut through and drivers would be better off staying on Route 7. He added that the real advantage of the connection would be for the people that currently live on Battletown Drive as an additional way out. Regarding cut throughs, Mr. Stidham noted that the proposed crossing of the Bel Voi driveway could cause the driveway to be used as a cut through between subdivision streets. Mr. Lawson said that this has been noted and they will consider installing gates or other measures. He added that he did not think this would be a cut through as there are better route options. He also said that they plan to meet with the residents of the subdivision to hear their concerns.

Mr. Weiss asked whether improvements would be needed to accommodate the volume of evening traffic turning on to Business Route 7 from the bypass including lengthening the turn lane on the bypass. Mr. Adkins said that this will be included in the study and will be addressed if the study shows that improvements are necessary. Mr. Weiss asked if traffic counts would warrant new signals at either the new proposed entrance or at Battletown Drive. Mr. Adkins replied that they are not anticipating this, noting that a signal at the new proposed entrance would be too close to the existing signal at the bypass. Mr. Stidham asked if the counts are anywhere close to meeting signal warrants. Mr. Adkins replied no and said that a signal is not required if warrants are only met during peak periods in a residential setting. He added that you would have to meet warrants at different times of the day.

Mr. Hudson asked what the assumptions are to arrive at 2,045 vehicle trips per day and also asked whether a vehicle leaving in the morning and returning in the evening counts as one trip or two. Mr. Adkins replied that it counts as two trips and this is a national standard used to evaluate trip generation for a single-family home. Vice-Chair Ohrstrom said he always heard that the metric is ten trips per day per residence and Mr. Adkins agreed. Vice-Chair Ohrstrom asked whether the recent increase in delivery services is factored in to the traffic study. Mr. Lawson asked if the ten trips per day per house is high and Mr. Adkins replied yes. Ms. Dunkle added that delivery trips are factored in. Mr. Adkins added that one delivery trip can count for two trips by a resident to and from a store to get the same product.

Mr. Hudson noted that on the proposed plan, the westernmost group of homes shown as 131 dwelling units on the plan all appear to be using the new access road to reach East Main Street because the traffic count at Battletown Drive and East Main Street does not change. Mr. Adkins replied that this assumes the connection to Battletown Drive will be made, otherwise the number at Battletown Drive and East Main Street will be higher.

Mr. Boeing gave an overview of the water and sewer projections. Ms. Dunkle noted that the end result would be a looped system which is a benefit. Mr. Weiss asked if the developer is also negotiating a utility line crossing with the owners of the Bel Voi property. Mr. Lawson replied that there is an agreement in

place from the common seller that addresses future utility construction. Mr. Weiss asked how a homeowners association would be able to manage the large area of open space to be provided. Mr. Lawson said that some associations manage significant amenities and that this association can be structured to manage the open space. He also noted that the open space would be left in a mostly natural state and the association would hire contractors to do the maintenance work. Ms. Dunkle noted that DEQ is not allowing some stormwater areas to be mowed which can conflict with the Town's code.

Mr. Hudson asked if there are any discussions regarding whether the width and current on-street parking on Battletown Drive will be able to handle the additional traffic. Ms. Dunkle noted that part of Battletown Drive has a 60-foot right of way starting at East Main Street. Mr. Weiss asked if there is an ability to widen the road in the future if necessary. Ms. Dunkle replied that a portion of the road could be widened within the existing right-of-way but was unsure of the size of the right-of-way for the entire length.

Chair Kitselman asked if there were any additional questions and, hearing none, thanked Mr. Lawson for the presentation. Mr. Weiss also thanked Mr. Lawson for the presentation but noted that he was not prepared to offer any recommendations this evening. Chair Kitselman said that Vice-Chair Ohrstrom's idea of making a site visit is a good idea. He also asked Ms. Fine if she had any questions on behalf of the Bel Voi property owners. She replied that most of her questions were touched on and that she would also be in favor of walking the property with the Authority members. She said one of the concerns is the impact to the driveway from the connecting public road intersection.

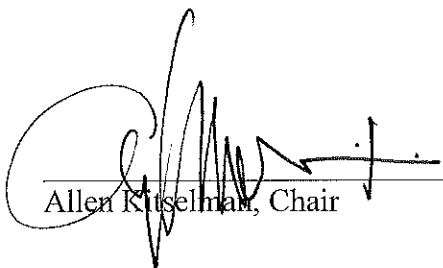
OTHER BUSINESS

Ms. Dunkle stated that they have received updated site plans for the LGV Group project and they are also being reviewed by DEQ. She reminded the members that the next meeting will be on May 11.

Mr. Weiss asked about the plan for making a site visit to the Bel Voi property. Chair Kitselman asked if April would work and Ms. Dunkle said she will coordinate a date and time. Mr. Stidham suggested having members tour the property in pairs so that the site visit will not be a public meeting. He said that a public meeting would require the property owner to allow members of the public to come to the property which could create liability issues.

ADJOURN

There being no further business and on a motion from Mr. Hudson, seconded by Ms. Smart, Chair Kitselman adjourned the meeting at 8:07PM.


Allen Kitselman, Chair


Brandon Stidham, Clerk