



BERRYVILLE AREA DEVELOPMENT AUTHORITY

MEETING AGENDA

Wednesday, April 28, 2021

7:00pm

**Berryville – Clarke County Government Center Main Meeting Room
101 Chalmers Court – Berryville, Virginia**

- 1. Call to Order – Brandon Stidham, Planning Director**
- 2. Organizational Meeting**
 - A. Election of 2021 Officers – Chair, Vice-Chair
 - B. Adoption of 2021 Meeting Schedule
- 3. Approval of Agenda**
- 4. Approval of Minutes – October 28, 2020 Meeting**
- 5. Discussion, Berryville Area Plan Five-Year Review Resolution**
- 6. Other Business**
- 7. Adjourn**

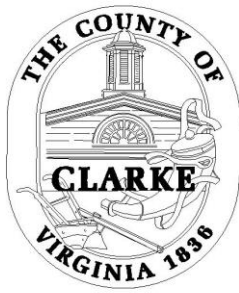
NEXT MEETING – Wednesday, May 26, 2021 (7:00PM)

BERRYVILLE AREA DEVELOPMENT AUTHORITY
PROPOSED 2021 MEETING DATES
(4th Wednesday of every month at 7:00 p.m.)

Main Meeting Room, 101 Chalmers Court, 2nd Floor

- **Wednesday, May 26**
- **Wednesday, June 23**
- **Wednesday, July 28**
- **Wednesday, August 25**
- **Wednesday, September 22**
- **Wednesday, October 27**
- **Wednesday, December 1***
- **Wednesday, January 26, 2022**

* **Recommend combining November and December meeting dates to avoid holiday conflicts.**



**BERRYVILLE AREA DEVELOPMENT AUTHORITY
REGULAR MEETING
Wednesday, October 28, 2020 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, October 28, 2020.

ATTENDANCE

Authority members present: Diane Harrison, Allen Kitselman, Tom Parker, Kathy Smart, David Weiss

Authority member participating electronically: George L. Ohrstrom II

Staff present: Christy Dunkle, Berryville Assistant Town Manager

Press present: Mickey Powell, Winchester Star

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

APPROVAL OF AGENDA

The Authority voted to approve the agenda as presented.

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

No: None

APPROVAL OF MINUTES

The Authority voted to approve the minutes of the July 22, 2020 meeting as presented.

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

No: None

Abstained: None

Site Plan Amendment – Retreat at Berryville

Berryville AL, LLC (Ryan Boshart, Valley Engineering, Agent) is requesting approval of a site plan amendment in order to add approximately 3,500 square feet to the existing structure on the

property located at 450 Mosby Boulevard (The Retreat at Berryville), identified as Tax Map Parcel number 14A7-((14))-1, zoned B Business.

Chair Kitselman asked staff to give an overview of the request. Ms. Dunkle said Berryville AL, LLC is requesting approval of a site plan amendment that would be adding approximately 3,500 square feet to the Retreat at Berryville located at 450 Mosby Boulevard. She said this would add four memory care units and four assisted living units to the facility. She said parking is not affected by the additional square footage as the original development had additional parking over what the zoning ordinance requires.

Chair Kitselman said his mother lived in this facility and did not consider his participation a conflict of interest because he has no financial interest in the company. Vice Chair Ohrstrom thanked Chair Kitselman for his comments and said this application is straight forward in its request. Chair Kitselman favorably referenced the architectural elevations including the stone façade. Mr. Parker noted that, as the additions are located on the front of the building, there will be no affect on residential properties adjacent to the rear of the building.

Ms. Harrison asked about security in the building. Chair Kitselman said he has designed this type of facility and that protocols are in place (e.g., timers and alarms on doors) which are required by law and licensure. Mr. Weiss added that the application is straight forward.

There being no further discussion, Chair Kitselman called for a vote.

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

No: None

Action Item - Final Plat – McNeil Drive

House of Lords, Inc. and Ding Yi Wang, Owners (Jon Erickson, Morris & Ritchie Associates, Agent) are requesting Final Plat and Site Plan approval in order to construct an extension of McNeil Drive, creating a two-lot subdivision on the parcel identified as Tax Map Parcel number 14-5-251E zoned Business Commercial (BC). SP 01-20

Chair Kitselman asked staff to review the request. Ms. Dunkle gave a general timeframe of the application stating that a public hearing was held on June 24, 2020. She said the applicant requested a 60-day extension to address deficiencies in the application. Ms. Dunkle identified several issues with the current submittal including the requirement of review and approval by the Virginia Department of Environmental Quality as the project is considered a common plan of development.

Chair Kitselman recognized Mr. Alton Echols, House of Lords, Inc. Mr. Echols said he did not receive the comment letter from Pennoni which identified the lack of sufficient right of way until October 19, 2020. He described the intersection of McNeil and Mosby Boulevard and referenced a 14-page document he distributed to BADA members prior to the meeting. Chair Kitselman said BADA members will not discuss items included in the document distributed at the meeting. Mr. Echols said the information was just discovered over the previous weekend. He said these documents identify an existing 50' right of way on McNeil, stating that his property is adjacent to the Martin's property. He referenced profiles and construction drawings that were included in the information he distributed prior to the meeting and said that the current plans do not match the original submissions. Mr. Echols described travel way widths and three lanes on McNeil Drive. Mr. Weiss asked why Mr. Echols was presenting this information. Mr. Echols

continued describing the deed of his property which references the Pickett Pond and the business association that was to maintain this facility. He said all of the property owners were obligated to be part of the association and to pay a pro rata share of the maintenance of the facility but that the organizational meeting of property owners referenced in the deed was never held. He said a number of attorneys were involved with this and that the County asked to stay out of the discussion. Mr. Echols concluded that there was never an association formed.

Mr. Echols said that further action on his current application is administrative in nature and that his former engineer's work would be revised. He requested a four to six months to complete these actions and requested a conditional permit to fix what any engineer could match up. He said the extension of McNeil Drive should occur now to take pressure off Martin's and the bank and to support eight million dollars of medical and dental development.

Ms. Dunkle referenced a previous comment about the comment response letter from Pennoni that the applicant received on October 19, 2020. She said that neither she nor the representative from Pennoni received the comment response letter from Mr. Erickson on the date it was originally drafted (August 24, 2020) and that this submission was standard protocol to continue with the review. She also identified the Battlefield Business Center Association as the group responsible for maintenance of the storm water management area (Pickett Pond) that had been referenced in Mr. Echols' discussion.

Ms. Dunkle discussed her concerns of extending the action again including opportunities for public hearings and input, changes to state and local regulations that could occur within this timeframe, and staff time already incurred. There was a discussion about deferring action and disapproving the request.

Chair Kitselman asked Ms. Harrison for input on the request. She said that she is leaning toward disapproving the request, adding that the application should be ready for review at this point. She said allowing for another extension would water down the effectiveness of the process. She said she is concerned about incurring additional costs, concluding that the application has been confusing.

Mr. Parker voiced concern about statutory deadlines to act as set forth in the subdivision ordinance. He said if another extension were granted for six more months, then other issues will likely come up every time the submittal is reviewed. He said that short of the applicant withdrawing the application, disapproving the request is the best way forward.

Mr. Weiss said it is the applicant's responsibility to complete the product which has not occurred. He said he is hesitant to approve a six-month extension.

Vice Chair Ohrstrom added that there are a number of issues with the application and that it is disorganized. He said he cannot support moving the extension for consideration.

Ms. Smart concurred with previous comments. Ms. Smart made a motion to deny the application, citing no approval from the Virginia DEQ, no agreement in place for the maintenance of Pickett Pond, and lack of sufficient right of way. Vice Chair Ohrstrom seconded the motion. There was a discussion about submitting documents to the Authority prior to the meeting. Chair Kitselman voiced concern about the applicant continuing to do so. Chair Kitselman added that he supports the motion and asked for further discussion on the action.

There was a discussion about the applicant withdrawing the application or moving forward with the denial under consideration. Mr. Echols said that he reluctantly requests that the application be withdrawn from consideration. Ms. Smart and Vice Chair Ohrstrom withdrew their respective motions.

OTHER BUSINESS

None

ADJOURN

There being no further business, Ms. Smart made the motion to adjourn the meeting, seconded by Ms. Harrison, at 7:43 p.m.

Allen Kitselman, Chair

Christy Dunkle, Clerk



BERRYVILLE AREA DEVELOPMENT AUTHORITY

TO: Berryville Area Development Authority (BADA) members

FROM: Brandon Stidham, Planning Director
Christy Dunkle, Assistant Town Manager

RE: Berryville Area Plan Five-Year Review Resolution

DATE: April 8, 2021

Item 5 on the April 28 meeting agenda is a discussion of upcoming five-year review of the Berryville Area Plan.

Code of Virginia §15.2-2230 requires that at least once every five years, a locality’s planning commission shall review the comprehensive plan “to determine whether it is advisable to amend the plan.” This code section does not require a locality to review and update its comprehensive plan every five years. Instead, it requires the locality’s planning commission to take a formal action – usually in the form of a resolution – to determine if the current plan should be amended. Since the Berryville Area Plan is the comprehensive plan for the Berryville Annexation Area, the BADA is responsible for conducting the five-year review and any subsequent updates to the Plan.

As you may recall, language was included in the current Plan to ensure that this review occurs on a five-year schedule to comply with this State code requirement. Per the Plan section “Amending the Berryville Area Plan (pp. IV-1 – IV-2):”

a. *Regular review schedule*

On a five-year schedule from the adoption date of the current Plan, the BADA shall adopt a resolution addressing the status of the Plan, whether it should be updated, and to what degree it should be updated. This resolution may come in one of the following forms:

- *A finding that the current demographics, goals, objectives, and policy recommendations are sufficient and that no Plan amendment is necessary.*
- *A finding that changes in the community warrants a comprehensive review and update of the Plan. An example would be the release of decennial Census data and growth projections.*

- *A finding that the Plan does not address, or inadequately addresses, a specific topic area or areas warranting a focused update of the Plan. An example would include a desire by the Town and County to create a new annexation area and Sub-Areas.*

While the update may have a specific purpose, the review should remain comprehensive to ensure that all impacts are carefully evaluated.

This Plan section goes on to recommend that the Plan status be evaluated by considering factors such as:

- Recent release of updated demographics.
- Recent updates to the County or Town Comprehensive Plans.
- Impact of new development projects since the previous Plan update.
- Impact of recently completed capital projects or transportation improvements.
- New cooperative projects between the Town and County, e.g., economic development initiatives.
- Any other subject not addressed or inadequately addressed by the current Plan.

Consideration should also be given to whether the Plan’s goals, objectives, and strategies are still current and relevant.

The current Berryville Area Plan was adopted by Town Council and the Board of Supervisors in May 2016 so the BADA will need to adopt a resolution on whether to review and update the Plan this May. Staff recommends that BADA members discuss the scope and content of a resolution on the Plan’s status at the April 28 meeting. Staff will use guidance from the meeting to prepare a draft resolution for the BADA’s consideration at the May 26 meeting.

Since the current Plan underwent an extensive, cover-to-cover review and update five years ago, the scope of any potential review can be limited to changes that have occurred since 2016. Using the factors recommended by the Plan, this could include:

- 2020 Census data (full data is not expected to be released until Fall 2021)
- Build-out status of residential sub-areas (Battlefield Estates, Hermitage Section 5, Berryville Glen, Shenandoah Crossing)
- Results of the Southeastern Collector Study (April 2020)
- Status of designated “potential future growth areas”

The BADA may also want to discuss adding guidance to help shape a future review and update of the Town-County Annexation Area Agreement. Issues could include when properties should be

annexed, when zoning applications should be considered by the County, the future role of the BADA, and creation of future annexation areas.

If the BADA agrees that a Plan review is necessary, the resolution can include a list of key issues that the review project should consider as a starting point for a scope of work. For your reference, Staff has included a copy of a similar resolution adopted by the County Planning Commission for the five-year review of the County's Comprehensive Plan.

Once the BADA adopts the resolution, Staff will forward copies to Town Council and the Board of Supervisors for informational purposes. No governing body action on the resolution is required. Staff notes that actual work on a Berryville Area Plan review likely will not be able to begin until early 2022 due to current project workloads.

If you have questions or concerns prior to the meeting, please do not hesitate to contact us.

**RESOLUTION TO INITIATE REVIEW
OF THE 2013 CLARKE COUNTY COMPREHENSIVE PLAN**

WHEREAS, the 2013 Clarke County Comprehensive Plan was adopted on March 18, 2014, and

WHEREAS, Code of Virginia §15.2-2230 requires that at least once every five years, a locality’s planning commission shall review the comprehensive plan “to determine whether it is advisable to amend the plan,”

AND WHEREAS, March 18, 2019 will mark the five-year anniversary of the Plan’s adoption date.

NOW THEREFORE, BE IT RESOLVED that the Clarke County Planning Commission has determined that it is necessary to conduct a review of the 2013 Comprehensive Plan, including but not limited to the following issues:

1. Evaluate the current Goals, Objectives, and Strategies for relevance and consistency with recent Implementing Component Plan updates. Consider adding or revising language to address any new County priorities such as broadband internet access for residents and businesses.
2. Update demographics and statistical information that have changed since 2013 and for which new data is currently available.
3. Determine whether to incorporate data or other information from the Cost of Community Services Study.
4. Update Implementing Component Plan descriptions in Chapter III to reflect recent updates of these Plans.
5. Evaluate whether to conduct a comprehensive review and update of the Mountain Land Plan and, if so, develop objectives and strategies that will inform the update process.
6. Determine whether to retain reference to the Capital Improvement Plan as an Implementing Component Plan and make changes to the applicable objectives and strategies as necessary.

BE IT FURTHER RESOLVED that the Commission intends to commence this review in 2019 as permitted by its work program and delegates the responsibility for the review to the Comprehensive Plan Committee and Planning Department Staff.

Adopted this 4th day of January, 2019.

George L. Ohrstrom, II, Chair