

Berryville – Clarke County
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B E R R Y V I L L E
EST. 1798 *Genuine* VIRGINIA

BERRYVILLE PLANNING COMMISSION

Regular Meeting

Tuesday, September 26, 2023 – 7:00 p.m.

101 Chalmers Court – Main Meeting Room – Second Floor

AGENDA

1. Call to Order – William Steinmetz, Chair
2. Approval of Agenda
3. Approval of Minutes – August 22, 2023
4. Citizens' Forum
5. Rezoning – Tax Map Parcels 14-A-5, 14-A-6, and 14A-7-A
6. Planning Update
7. Other
8. Adjourn

Harry Lee Arnold, Jr.
Mayor

Erecka L. Gibson
Vice Mayor

Council Members

William Steinmetz
Ward 1

Diane Harrison
Ward 2

Grant Mazzarino
Ward 3

Ryan Tibbens
Ward 4

Keith R. Dalton
Town Manager

BERRYVILLE PLANNING COMMISSION
Berryville-Clarke County Government Center
DRAFT Meeting Minutes
August 22, 2023

A meeting of the Berryville Planning Commission was held on Tuesday, August 22, 2023 at 7:00 p.m. at the Berryville-Clarke County Government Center in Berryville.

ATTENDANCE: Members of the Planning Commission present: William Steinmetz, chair, Michael Bell, Gwen Malone, Michelle Marino, Tom Parker, Sheryl Reid

Absent: Vice chair Kemp

Staff present: Christy Dunkle, Community Development Director, Jean Petti, Deputy Town Manager

Press present: Mickey Powell, Winchester Star

1. CALL TO ORDER – William Steinmetz, chair

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

2. APPROVAL OF AGENDA

Chair Steinmetz suggested moving the Citizens' Forum before the presentation by D.R. Horton. Ms. Malone made the motion to approve the agenda as amended, seconded by Mr. Bell. The motion passed by voice vote.

3. APPROVAL OF MINUTES

Ms. Malone made one correction to the minutes and made the motion to approve the agenda as amended, seconded by Mr. Parker. The motion passed by voice vote.

4. CITIZENS' FORUM

Erin O'Neill, County resident, said she is against the expansion of the Friant development that goes against the original plan.

5. SET PUBLIC HEARING - REZONING

Chair Steinmetz introduced Priya Tiwari, D.R. Horton, Inc., who gave a presentation on the proposed rezoning. She introduced Bryan Lilly (PE, Dewberry), Lester Adkins (Traffic Engineer, Wells and Associates), and Ty Lawson, attorney.

Ms. Tiwari, D.R. Horton, Inc., said that the developer would like to increase the density on the property to 214 single-family residential lots. She described current and proposed land use and

zoning designations on the Friant properties. She discussed sub-areas identified in the Berryville Area Plan, access to the site, interconnection of the proposed development, and trail systems identified in the open space area. She referenced objectives from the Berryville Area Plan and the unused units from Annexation Area B.

Ms. Tiwari introduced Bryan Lilly. Mr. Lily discussed existing infrastructure and Town studies created over the years. He said there is sufficient capacity for the proposed development for both water and sewer utilities. He reviewed the proposed subdivision utility layout and discussed fire flow requirements.

Mr. Lilly said a pump station would be required and said that the plant and downstream pipes have good capacity for this development. He discussed the stormwater management plan and the Department of Environmental Quality's (DEQ) requirements for wet ponds, sediment basins, and chambers for the 100-year storm event. He said DEQ has conducted a cursory review of the stormwater design and identified three proposed retention facilities.

Ms. Tiwari discussed the high-visibility lots along the Route 7 Bypass. She said they would have different elevations. Chair Steinmetz asked for clarification and she said the houses would be staggered and architectural features would be added to the homes. She referenced environmental and archaeological studies that have been conducted for the site.

Ms. Tiwari introduced Lester Adkins, Traffic Engineer with Wells and Associates. Mr. Adkins said a scoping meeting with VDOT was held to discuss traffic impacts in the area based on the development figures. He said projected buildout information was determined and information collected for three different street layout options, identifying peak hour (a.m. and p.m.) and turning movements in each.

Ty Lawson discussed fiscal impacts for the County and Town. He referenced availability fees and associated tax revenues anticipated with the development of 214 residential lots. He reviewed specific taxes including personal property and real estate taxes and identified additional taxes (e.g., sales tax).

Mr. Lawson discussed student impacts and said that the schools indicated that enrollment has been decreasing in the Clarke County Schools for several years. He reviewed student populations broken down by school and said, even with projected new units, there would still be vacant seats in the classrooms. He added that the statistics in the presentation indicated that new houses were going to be occupied by 2024 which is not accurate.

Mr. Lawson discussed proposed proffers offered by the developer. He said they include amenities such as trails that are open to residents of the subdivision and to Town residents. He said a new entrance is identified through an agreement with Audley for a road off of East Main Street. He added that they are proposing an alternative to build the road or pay the Town to build it after the 132nd building permit is issued. He said they are committed to walkability and are proposing a cash proffer

to encourage safe pedestrian access to the sidewalk that will be constructed through the Smart Scale program.

Chair Steinmetz asked for questions and comments from Planning Commissioners. Mr. Parker said he is looking forward to the work session at the end of the month. He said he had a few questions for the developer. He questioned the numbers presented concerning school enrollments and asked that the numbers be updated in September when the schools will release updated data. Mr. Lawson said he discussed the figures with Superintendent Catlett, adding there has been a drop in school enrollment nationwide.

Mr. Parker said it was his understanding that representatives from D.R. Horton will be hosting a community meeting next week. He said that assessed values and traffic information including levels of service would likely be discussed.

Ms. Marino said she would like additional information on the traffic analysis. She referenced affordability and asked if the density was too much.

Ms. Malone said she was interested in walkability.

Mr. Bell commented that the homes proposed homes are too close together and it would be difficult for volunteer firefighters to access in an emergency. He asked about affordability of the new houses.

Ms. Reid said there is no sidewalk on East Main Street and that it is dangerous for pedestrians crossing the railroad tracks.

Ms. Malone made the motion to schedule a work session at the September 26 meeting and public hearing for the October 24 meeting. The motion passed by voice vote.

6. DISCUSSION – PLANNING UPDATE

There was no further discussion.

7. OTHER

There was no further discussion.

8. ADJOURN

There being no further discussion, Ms. Reid made the motion to adjourn the meeting, seconded by Ms. Malone, with the motion passing by consensus at 7:38 p.m.

William Steinmetz, Chair

Christy Dunkle, Secretary

Planning Commission Agenda Item Report Summary

September 26, 2023

Item Title

Set Public Hearing – Rezoning

Prepared By

Christy Dunkle

Background/History/General Information

Mosby Boulevard was completed from its temporary terminus to West Main Street with the development of the Clarke County High School. An easement was granted from the Clarke County Public Schools for the street and associated improvements which resulted in school property being located on the west side of Mosby Boulevard.

The proposed actions to rectify the situation are identified in Keith Dalton's report dated June 13, 2023 (included in this packet) are as follows:

- Several boundary line adjustments which will be reviewed and approved by the Berryville Area Development Authority because of the location within Annexation Area B.
- Rezoning will be reviewed by the Planning Commission and approved by Town Council.
- Utility easements will be modified or established within this area.

Specific details and maps are included in Mr. Dalton's June 13th report.

Findings/Current Activity

Clarke County Public Schools conditionally approved the request at their August 28, 2023 meeting.

Schedule/Deadlines

Staff is recommending that the Planning Commission set a public hearing for the October 24, 2023 meeting.

Other Considerations

N/A

Recommendation

Set a public hearing for the October 24, 2023 meeting to hear public comment and make recommendations to Town Council.

Sample Motion

I move that the Planning Commission of the Town of Berryville set a public hearing for a rezoning of portions of three properties identified as Tax Map Parcels 14-A-6, 14-A-5, and 14A-7-A.

Attachment:

- Staff report by Mr. Dalton dated June 13, 2023.

June 13, 2023
Discussion

Boundary Line Adjustments Between Clarke County Public Schools, Paul Howell, and the Town of Berryville

History

As a part of the site development and construction of the Clarke County High School at 627 Mosby Blvd., Mosby Blvd. (Mosby) from its temporary terminus near the eastern-most entrance to the CCHS site to its intersection with West Main Street was planned and constructed. Instead of dedicating a right-of-way for this final section of Mosby, Clarke County Public Schools (CCPS) chose to grant an easement for the street and associated improvements. This approach was employed to prevent the property north of Mosby from being subdivided from the rest of the school site.

Construction of the final section of Mosby stranded CCPS property along the west side of the street easement. As soon as this condition was discovered, efforts to remedy this matter began. Unfortunately, these efforts stalled and no action has been taken in this regard over the past eleven years.

Proposal

The Town of Berryville (TOB) and Paul Howell (Howell) propose that the CCPS agree to several boundary line adjustments to fine-tune property boundaries, facilitate orderly development, and provide for proper maintenance of properties in the area. The proposed boundary line adjustments have been configured in a manner that ensures that the CCPS is made whole once the adjustments have been approved and recorded.

The attached maps provide a graphical representation of the proposal.

Proposal Specifics

8,007 square feet of CCPS property situated along the west side of Mosby, along with 11,249 square feet of property owned by TOB, would be transferred to Howell.

4,565 square feet of CCPS property situated along the west side of Mosby would be transferred to TOB.

12,572 square feet of TOB property along TOB's common boundary with CCPS property would be transferred to CCPS.

These adjustments would:

- provide Howell with frontage along the west side of Mosby,
- provide TOB with additional frontage along the west side of Mosby north of its entrance (this will facilitate maintenance of sight distance),

- provide TOB with additional property south of its current boundary with Howell, and
- provide CCPS with an even trade for land transferred to Howell and TOB.

Summary of transfers with amounts

In to **Howell**

In 11,249 square feet from TOB
 In 8,007 square feet from CCPS
 Total in = 19,256 square feet

Out from **Howell**

Out 18,543 square feet to TOB
 Total out = 18,743 square feet

Howell: + 713 square feet

In to **TOB**

In 4,565 square feet from CCPS
 In 18,543 square feet from Howell
 Total in = 23,108 square feet

Out from **TOB**

Out 11,249 square feet to Howell
 Out 12,572 square feet to CCPS
 Total out = 23,821 square feet

TOB: – 713 square feet

In to **CCPS**

In 12,572 square feet from TOB
 Total in 12,572 square feet

Out from **CCPS**

Out 8,007 square feet to Howell
 Out 4,565 square feet to TOB
 Total Out = 12,572

CCPS: 0+/-

It is important to note that Howell may dedicate some frontage along West Main Street to ensure that existing street-related improvements are on the street right-of-way and accommodate extension of the sidewalk/path along the north side of West Main Street.

Other Considerations

Zoning/Jurisdictional Boundaries

The attached maps show the current zoning for each area property to be transferred and the new zoning that would need to be applied during this process (if applicable).

The maps also show the jurisdiction in which the area of property to be transferred is located.

Boundary line adjustments will be administered by the Town's Community Development Department and reviewed/approved by the Berryville Area Development Authority (BADA).

The Berryville Planning Commission and Town Council will review/approve the rezoning of land transferred from the CCPS to the TOB (4,565 square feet from DR-4 to ITL) and the land transferred from TOB to the CCPS (12,572 square feet from ITL to DR-4).

Easements

Several utility easements will have to be established during this work.

Clarke County owns a water main that is located in the strip of land that TOB would transfer to Howell. An easement will be established for this main.

At least two service lines from the County main traverse the Howell property. If easements have not been established for these laterals, then they will need to be established during this project.

Cost to Implement Proposal

The cost of implementing the proposed boundary line adjustments and associated rezonings will be borne by Paul Howell and the Town of Berryville.

Howell will provide all necessary boundary line adjustment and easement plats and TOB will cover the cost of deeds, proposal review, and deed recordation.

Process/Tentative Schedule

June 13, 2023

Formally introduce proposal to the Berryville Town Council.

Purpose:

- 1) Provide the Town Council with details of proposal.
- 2) Determine if there are concerns/questions and address same.

Actions:

None

June 19, 2023

Formally introduce proposal to the Clarke County School Board.

Purpose:

- 1) Provide the School Board with details of proposal.
- 2) Determine if there are concerns/questions and address same.

Actions:

Authorize a public hearing on boundary line adjustments for August 28, 2023.

{Note: Plats and deeds will be provided to staff by July 12, 2023}

August 28, 2023

School Board conducts public hearing on proposed boundary line adjustments.

Purpose:

- 1) Receive public comment on proposal.
- 2) Make determinations on the proposal.

Actions:

- 1) Conduct a public hearing and discuss the proposal.
- 2) Approve the proposed boundary line adjustments, contingent upon the following:
 - a. approval of the boundary line adjustments by the Berryville Town Council and Paul Howell, and
 - b. approval of rezonings as represented in the proposal.

September 26, 2023

Formally introduce this matter to the Berryville Planning Commission.

Purpose:

- 1) Provide Planning Commission with details of proposal.
- 2) Determine if there are concerns/questions and address same.

Actions:

Set joint public hearing with the Berryville Area Development Authority for October 24, 2023.

September 27, 2023

Formally introduce this matter to the Berryville Development Authority.

Purpose:

- 1) Provide Authority with details of proposal.
- 2) Determine if there are concerns/questions and address same.

Actions:

Set joint public hearing with the Berryville Planning Commission for October 24, 2023.

October 24, 2023

Berryville Planning Commission and Berryville Area Development Authority conduct a public hearing on the proposed boundary line adjustments and rezonings.

Purpose:

- 1) Receive public comment on proposal.
- 2) Make determinations on the proposal.

Actions:

- 1) Conduct a public hearing and discuss proposal.
- 2) Approve the proposed boundary line adjustments, contingent upon the approval of rezonings as represented in the proposal.
- 3) Recommend approval of the proposed rezonings.

November 14, 2023

Proposed boundary line adjustments and rezonings placed before the Berryville Town Council.

Purpose:

- 1) Provide Council with details of proposal.
- 2) Determine if there are concerns/questions and address same.

Actions:

Set a public hearing for December 12, 2023.

December 12, 2023

Town Council makes determinations on proposed rezonings.

Purpose:

- 1) Receive public comment on proposal.
- 2) Make determinations on the proposal.

Actions:

Approve proposed boundary line adjustments and rezonings.

December 13-22, 2023

All documents are signed by CCPS, TOB, CC, and Howell.

Purpose:

Finalize boundary line adjustment plats and deeds.

Actions:

Secure all required signatures on boundary line adjustments and deeds.

December 28, 2023

All documents recorded in the land records of Clarke County.

Purpose:

Complete the transfer of property through boundary line adjustments.

Actions:

Finalize process by recording executed boundary line adjustment plats and deeds in the land records of the Clerk of the Circuit Court of Clarke County.

{Note: Between September 1, 2023 and December 1, 2023 Clarke County will review/approve utility easements across Howell and TOB.}

Attachment

- Three-part map on which proposed boundary line adjustments are represented
 - o TOB to Howell – BLUE
 - o CCPS to Howell – PINK
 - o Howell to TOB – GREEN
 - o CCPS to TOB – ORANGE
 - o TOB to CCPS – YELLOW

Sheet 1

Howell to TOB
18,543
IN County Zoning
ITL

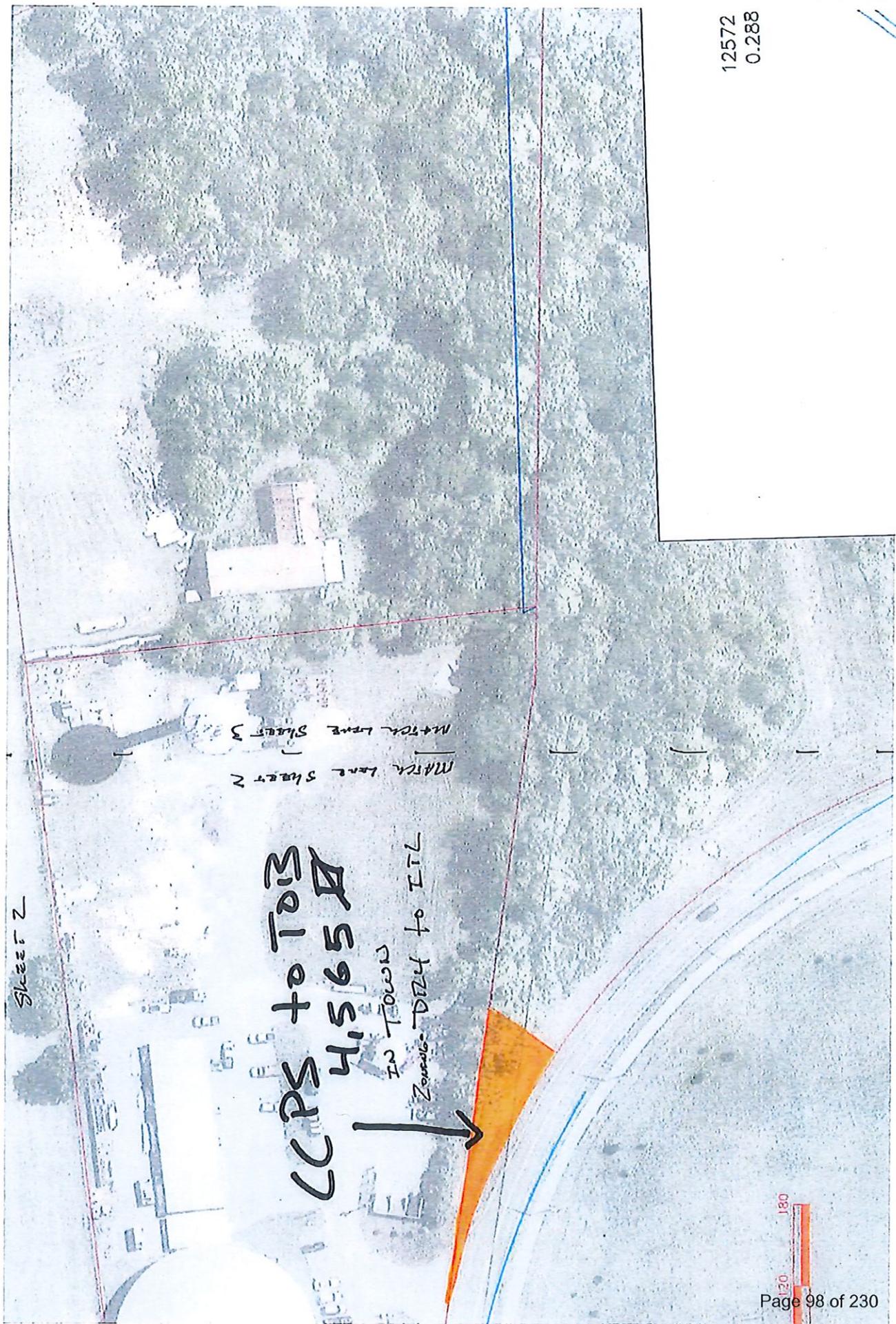


TOB to Howell
11,214
IN County Zoning
ITL



CCPS to Howell
8,007
IN County Zoning
ITL

Revised 5/03



Sheet 2

MATCH LINE SHEET 2
MATCH LINE SHEET 3

CCPS to TOB
4,565 sq ft
IN TOWNS
Zoning: D124 to T1L



Sheet 3

TORS to CCPS
121,572 sq

IN TOWN
ZONED ETL to DR 4

12572 Sq. Feet
0.2886 Acres