

BERRYVILLE PLANNING COMMISSION
Berryville-Clarke County Government Center
Meeting Minutes
November 28, 2023

A meeting of the Berryville Planning Commission was held on Tuesday, November 28, 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; Kim Kemp, Vice Chair; Michael Bell, Gwen Malone, Michelle Marino, Tom Parker, Sheryl Reid

Absent: none

Staff present: Christy Dunkle, Community Development Director

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

Mr. Bell made the motion to approve the agenda as presented, seconded by Ms. Malone. The motion passed by voice vote.

3. CONTINUED PUBLIC HEARING – Friant Property

Friant Enterprises #1, LLC; Friant Enterprises #2, LLC; Friant Enterprises #3, LLC (Owners) (Tony Free, Vice President, DR Horton, Inc., Agent) are requesting a rezoning of the properties identified as 14-A-80 and 14-A-112 consisting of approximately 100 acres. The properties are currently zoned OSR Open Space Residential; DR-1 Detached Residential-1; DR-2 Detached Residential-2; and BP Business Park. The proposed zoning for a portion of the properties identified above is DR-4 Detached Residential-4. RZ 01-23

Ms. Dunkle introduced David Giovannacci, representing D.R. Horton, Inc. Mr. Giovannacci gave a presentation updating their modifications to the application. He said access to Battletown Drive from the proposed subdivision streets will be gated for emergency access only. He said the lots previously located within Sub-Area 14 have been removed. He gave an overview of the updated cash proffers for sidewalk on Battletown Drive, adding that they have not received updated information as it relates to the Cooley Upper campus from Clarke County schools but will update that information

once they are able to do so. Mr. Parker said that the non-use of Cooley Upper was intentional and the school board's decision was an operational decision.

Mr. Giovannacci discussed the updated design guidelines proposed for the subdivision. He discussed screening and buffering adjacent to the Route 7 Bypass. There was a discussion amongst Planning Commissioners on the number of rows of trees proposed and whether they would be on private HOA-maintained property. Mr. Giovannacci discussed development standards including varying setbacks and elevation details. He said the high-visibility corner lots will feature masonry on the facades.

Ty Lawson spoke about the proposed zoning modifications. He described the Business Park zoning currently in place and he said that over 50% of the proposed development area was in open space. He added that 3.5 miles of sidewalks and 1.25 miles of trails are also in the design of the subdivision. He discussed viewshed protection and reviewed previously unused lots.

Lester Adkins, Wells & Associates, discussed updated transportation information. He said turn lanes and tapers have been identified on East Main Street. He discussed subdivision street design and typical sections of roads and trails.

Bryan Lilly, Dewberry, discussed the open space and waterline connection. He addressed the stormwater concept plan presented to the Virginia Department of Environmental Quality. He discussed that area adjacent to Bel Voi Drive pre- and post-development.

Mr. Lawson discussed the request for deferral to the January meeting in order to allow staff and review agencies additional time to complete their respective reviews.

Ms. Marino asked about the school impacts and related proffers. Mr. Lawson said they are in need of additional information from the schools in order to determine proffer payments to address the impacts.

Chair Steinmetz reminded attendees that, due to the large number of attendees, the three-minute timeframe for public comment will be adhered to.

Chair Steinmetz recognized Erin O'Neill, County resident. Ms. O'Neill asked that the Planning Commission vote no for the proposal of 86 to 112 houses due to safety and traffic on Main Street and the Route 7 Bypass. She said that the negative impacts outweigh the benefits.

Chair Steinmetz recognized Sam Card, Town resident. Mr. Card said his family is from Clarke County and there were different ideas for development early on. He said 200 expensive homes would have a social impact on the community. He discussed widening East Main Street to accommodate traffic, environmental concerns, the water level in the Shenandoah River, and increased demands on utilities. He added that the schools would require additional buses and an increase in property taxes, adding that children are our future.

Chair Steinmetz recognized Joe Blatz, County resident (comments submitted). Mr. Blatz said he has lived in Clarke County for 35 years and has served on three county boards and has significant government experience. He said 112 homes seemed tight and the only benefit to this proposal is for the developer. He said Berryville is plenty big enough.

Chair Steinmetz recognized Tim Sinclair, Town resident. Mr. Sinclair discussed the Transportation Impact Analysis and traffic distribution across the Bel Voi property. He said the proposed subdivision is not near the center of town and has limited walkability. He added that the 66-unit proposal is sufficient and that they should stick with the plan.

Chair Steinmetz recognized Mary Veilleux, Town resident. Ms. Veilleux said she appreciates the 52% open space and is grateful for the Berryville Area Plan. She suggested maintaining the vision of the natural and historic resources in the designated growth area. She said traffic will be a problem on Main Street and asked Planning Commissioners to consider whether the request fits in the Area Plan. She requested that the Planning Commission reject the rezoning proposal.

Chair Steinmetz recognized Tom Bauhan, Town resident. Mr. Bauhan said he appreciates the technical comments provided by the speakers. He said the Shenandoah Crossing subdivision imposes visual trauma to the Town and drivers on the Route 7 Bypass, and asked how the proposal will affect the Soldiers Rest property.

Chair Steinmetz recognized Dana Libby, Town resident. Mr. Libby asked what standards exist for changing zoning, and referenced Supreme Court action and the government's role in land use. He added that if the Planning Commission recommended approval of the request that dramatically changes the density, it will interfere with the quiet town. He said there is no net benefit.

Chair Steinmetz recognized Brian Snyder, Town resident. Mr. Snyder said he spoke at the October public hearing and discussed the proffers identified for a sidewalk on Battletown Drive that would meet the Smart Scale programming on East Main Street. He said there is no ability to add a sidewalk to Battletown Drive and it would not be able to be constructed, adding that walkability is a moot point. He said more people, cars, and traffic will push street traffic to the western half of the county.

Chair Steinmetz recognized Barbara Lake, Town resident. Ms. Lake recommended denial of the request. She said the Town's infrastructure is not able to handle the development, and voiced concern over water availability, school capacity, and emergency services improvements. She said that assurance of coverage should be for residents first.

Chair Steinmetz recognized Robert Lauten, Town resident. Mr. Lauten said he was impressed by the eloquence of the citizens. He recommended that 10 nice houses be built on the property, adding that the developer does not care about protecting Berryville and throwing out a thoughtful plan. He recommended against additional density.

Chair Steinmetz recognized Craig Mattice, Town resident. Mr. Mattice said he lives next to the Hermitage V development. He said he would like the Town to make an informed decision. He said Berryville needs revenue increases for the tax base. He said without additional development, the choices are to reduce services or to raise taxes. He said there needs to be more diversity of the Town. He said traffic, water, schools, and safety are the responsibility of the Town to solve. He said it is easy to disapprove the development but it is our job to solve the problems. He said the developer worked with him and that Town residents shouldn't fear but should embrace the proposal and to figure out how to make it work.

Chair Steinmetz recognized Sara Stern, Town resident (comments submitted). Ms. Stern referenced the new design guidelines and said the enhanced architectural features are not guaranteed. She questioned the quality of the interior of the housing. She discussed the proposed proffers for sidewalks and public schools. She said the same problems exist in the updated proposal and urged the Planning Commission not to wait, and recommend denial for the rezoning request.

Chair Steinmetz recognized Alton Echols, Town resident. Mr. Echols discussed his development and said his property was the most developable in the Town. He discussed the zoning on the property and said that the development of the land will be costly. He recommended that the developer implement cluster zoning.

Chair Steinmetz recognized Kate Carey. Ms. Carey said she bought her property on Battletown Drive in 2020 and that her neighborhood is not made up of cookie cutter houses and does not back up to a graveyard. She said the development is making Berryville look bad. She recommended denying the request and not becoming Loudoun County.

Chair Steinmetz recognized Lynn Gray, Town resident. She said that she is an unfortunate resident of Hermitage Boulevard. She said she also owns a property on East Main Street and is rethinking her purchase due to traffic, lack of control, truck traffic, and noise. She said she appreciated those at the meeting showing up and making valid points. She said the Berryville Police Department does not have control of the traffic and is unable to fill vacancies. Ms. Gray added that there are no specialties, K-9 units, or benefits, and that the Town is unable to staff public safety positions. She said she has renovated two homes in Berryville and raised her children here. She said she is concerned about the type of traffic through Town and about blasting, adding that there were problems in Hermitage. She said she questioned the traffic study, and recommended making decisions wisely.

Chair Steinmetz recognized Glen Poe, County resident. Mr. Poe said he has lived here for three decades and that his primary residence is on North Buckmarsh Street. He said he reviewed the proposed development numbers and those in the Berryville Area Plan, adding that the Plan was written prior to the developments. He said that the Town needed more rooftops but that there is a lot of development in a short time. He said there are merits to clustered development and questioned whether the by-right is sufficient when the Plan suggests a higher number. Mr. Poe discussed density, issues at the railroad tracks, and traffic movement between Church and Buckmarsh

streets, and concluded by saying there is no benefit to the density increase and that the Berryville Area Plan goes too far.

Chair Steinmetz recognized Ruth Shatkowski, Town resident. Ms. Shatkowski said that she is concerned about water, adding that she is from California and is worried about water in the Shenandoah River and wells going dry. She also voiced concern about traffic on Main Street and said that it is bumper-to-bumper.

Chair Steinmetz recognized Jon Burge, Town resident. Mr. Burge said he spoke at the October meeting and asked how much longer is the Planning Commission going to do this. He said the schools are crowded and was told that rezoning is designed to be a long process. He said there is a clear public division and said this was wasting our time. He requested that the Planning Commission make a decision on the matter tonight.

Chair Steinmetz recognized Julie Abrera. She said that significant pieces of information are missing. She said the school information has yet to be determined. She said this much energy could have been used to improve downtown Berryville. She concluded by saying that we deserve better for Berryville.

Chair Steinmetz recognized Bob Stieg, County resident (comments submitted). Mr. Stieg said he is the CEO of the Clermont Foundation and is concerned about safety at the intersection of the proposed road through Audley and Clermont. He discussed existing speed limits in the area. He said the Board of Trustees of the Foundation oppose the request due to traffic and safety concerns.

Chair Steinmetz recognized Christina Bartosiewicz, Town resident. Ms. Bartosiewicz said she has concerns about the \$1,200 per lot proffer for sidewalks and no money being offered for schools to pay for wear and tear and upgrading. She said she is concerned about traffic and that people on First Street do not stop. She referenced a gas leak in her neighborhood and discussed evacuation. She said \$1,200 is nothing.

Chair Steinmetz recognized Abby Hernley, Town resident. Ms. Hernley said she lives in the eyesore, Shenandoah Crossing, and that it is not something everyone wanted. She referenced personal experiences with the developer. She said she relocated to Berryville from Ashburn and that the additional cars on Route 7 scare her. She said schools can't keep up anymore. She said the grocery store can't keep up and that shopping there the day before Thanksgiving was a disaster.

Chair Steinmetz recognized Denise Renirie, Town resident. Ms. Renirie said she is concerned about water and infrastructure. She said they purchased a new home in Hermitage V and that she loves her house but has had problems with the developer. She recommended attending the County's Citizens' Academy.

Chair Steinmetz recognized Christina Ristano, Town resident. Ms. Ristano said she left Loudoun County behind to move to a two-acre lot and new house in Berryville. She said she can't speak to any infrastructure concerns in the Town. She said Berryville deserves better and that she plans to live her

whole life across from Clermont Farm, adding that traffic on East Main Street is bumper-to-bumper. She recommended that Planning Commission deny the request.

Chair Steinmetz called for additional comments. There were none. Chair Steinmetz asked if Commissioners had any questions or comments. Ms. Dunkle said that the process for rezoning is established in the Town ordinance and the Code of Virginia. Mr. Parker said he was ready to make a recommendation, but that he understands the process and acknowledged outstanding reviews.

There being no further discussion, Vice Chair Kemp made the motion to continue the public hearing to the January 23, 2024 meeting for the rezoning of the parcels identified as 14-A-80 and 14-A-112 per the applicant's request. The motion was seconded by Ms. Marino and passed by voice vote.

5. Approval of Minutes – October 24, 2023

Vice Chair Kemp made the motion to approve the minutes of the October 24, 2023 meeting as presented, seconded by Mr. Bell. The motion passed by voice vote.

6. Citizens' Forum

There were no comments.

7. Planning Update

There was no update.

8. Other

There was no other business.

9. Adjourn

Mr. Bell made the motion to adjourn the meeting, seconded by Ms. Malone. The meeting was adjourned at 8:48 p.m.

William Steinmetz, Chair

Christy Dunkle, Secretary