



BERRYVILLE AREA DEVELOPMENT AUTHORITY
MINUTES – REGULAR MEETING
Wednesday, February 28, 2024 at 1:00 p.m.
Berryville-Clarke County Government Center – Main Meeting Room
101 Chalmers Court – Berryville, Virginia

A regular meeting of the Berryville Area Development Authority (BADA) was held on Wednesday, February 28, 2024.

ATTENDANCE

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

Authority Members Absent: no one

Staff Present: Christy Dunkle (Berryville Community Development Director), Brandon Stidham (County Planning Director), Keith Dalton (Berryville Town Manager)

Chair Kitselman called the meeting to order at 1:01 p.m. Chair Kitselman said that Vice Chair Ohrstrom is participating by phone due to medical reasons.

APPROVAL OF AGENDA

The Authority voted 6-0-0 to approve the agenda as presented.

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

No: None

APPROVAL OF MINUTES – JANUARY 24, 2024

The Authority voted 6-0-0 to approve the minutes of the January 24, 2024 meeting as presented.

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

No: None

BERRYVILLE AREA PLAN UPDTE PROCESS – RESIDENTIAL DENSITY AND HOUSING TYPES

Mr. Stidham referenced the memo in the packet and said this is an extensive topic which may take several meetings to cover, recommending that the Authority take the time to discuss the topics and materials. He said that Mr. Dalton was in attendance to discuss the Town's utility systems. Mr. Hudson complimented Mr. Stidham on the packet layout.

Mr. Stidham said he asked Mr. Dalton to come to the meeting to discuss Town utilities, adding that the original residential and commercial yields in the Berryville Area Plan were based on the Town's ability to provide water and sewer services within the area. Mr. Stidham referenced the memo from Mr. Dalton included in the packet. Vice Chair Ohrstrom asked Mr. Dalton about the lifespan of both water and wastewater treatment plants. Mr. Dalton said that the wastewater plant, that went online in 2012, and the lifespan of the facility goes in two directions: the treatment capacity and the useful life of buildings and machinery. He said the engineers have estimated that the lifetime of this plant is at least forty years for the facility. He said that concerning the process, the membranes are replaced every ten to twelve years, adding that the Town has recently replaced them. He said that the capacity is a different discussion and that when the wastewater plant was built, he prepared the site for two phases of expansion, from 1.1 million gallons per day to 1.4 million gallons per day. Mr. Dalton said that the Preliminary Engineering Report estimated that Phase I would accept the capacities until 2060 or beyond at the 1.5% annual growth rate that has been planned for the last 30 years. He added that the water and sewer plants are both at approximately 50% capacity.

Mr. Dalton said that, concerning expansion, when the water treatment plant treats 80% of the capacity for three concurrent months, the Town would need to begin discussions with the Virginia Department of Health on upgrading the facility capacity. He said that when the sewer plant achieves a 90-day rolling average of 95% of capacity, the expansion process would begin.

Mr. Stidham asked if there is room for the water treatment plant to expand. Mr. Dalton said there are 17 acres on the site and that VDOT right-of-way is within that acreage. Mr. Dalton said that the footprint of the building could expand and described the plans for the current upgrade. He said the 19-acre sewer plant, which was more land intensive, was modified with the 2012 upgrade and the primary treatment lagoon was abandoned.

Ms. Smart asked how many gallons per day are removed from and returned to the Shenandoah River through the Town's processes. Mr. Dalton responded by saying an average of 425 gallons comes from the river and approximately 375 gallons are returned to the river daily. He said there is some system loss, metering errors likely occur, loss in the distribution system, and irrigation eventually comes through the ground water to the river eventually. He noted that there are some localities who do inter-basin transfers in which the water is not returned to its source. He concluded by saying the Town returns the water to the Shenandoah River after treatment.

Mr. Stidham continued with the housing update discussion. He said the annexation agreement requires that we retain the sub-areas until each is built-out. He referenced several sub-areas that were removed in the previous update in 2015.

Mr. Stidham reviewed information on Sub-Area 1 and said there is no specific guidelines for low- to moderate-income housing that is permitted in the Institutional zoning district in the narrative. There was a discussion about low- to moderate-income levels and market rates and whether to encourage this type of

development in Sub-Area 1. Vice Chair Ohrstrom asked for a definition of low- to moderate- income housing and how do you force developers to build these units rather than large single-family houses. Mr. Stidham said this use is in the zoning ordinances as a use by special permit. He said when a special use permit application is submitted, the developer would have to identify how the units will be kept affordable. Mr. Stidham noted that the use regulations for this use are lacking. He suggested additional definition to the narrative. Vice Chair Ohrstrom discussed the density identified in the Plan and discrepancies therein. Mr. Stidham agreed and said there is a discrepancy in the guidance language. He added that there could be a scenario in the Western Gateway where the church would want to build low- to moderate-income housing on a smaller scale on their property. Mr. Hudson asked about future housing development and the possible desire to alter what's there. Mr. Stidham said a rezoning would not be required adding that a special use permit and subdivision would be. He said the guidance for such development would need to be included in the Berryville Area Plan. There was a discussion on how the numbers would be based. Mr. Weiss said it is important for the Town and County to have the ability to say what type of development should occur in these areas. He added that traffic would make this type of residential development in Sub-Area 1 prohibitive.

The consensus among Board members was that Sub-Area 1 was not appropriate for residential uses. Vice Chair Ohrstrom suggested discussing the current uses in the Institutional zoning district at the next meeting.

Mr. Stidham discussed Sub-Area 2. He said the Ruritan fairgrounds, two residential lots, Town Public Works facilities, and a fitness center are located within this area. He discussed the intent of the Ruritan board to be placed under conservation easement. He said the County encouraged them to find an easement holder that would align with their needs. He said this would likely resolve the issue about the 540 low- to moderate-income residential units. He said staff did not see where this number of units had been considered for utility usage. Mr. Stidham suggested dividing the sub-area in to 2-A and B, identifying the fairgrounds as a historic and cultural use while leaving the other parcels open for a potential development. There was a discussion about why the Clarke County Easement Authority (CCEA) was hesitant to hold this type of recreational easement. Mr. Weiss added that this type of easement does not meet current criteria established by the CCEA. There was a discussion about dividing Sub-Area 2 into three parts. It was determined that the Town's Public Works facility should be removed from the Plan. Authority members directed staff to illustrate this scenario and present the information at the next meeting.

Mr. Stidham discussed Sub-Areas 3 and 4 which include Battlefield Estates. Mr. Stidham said these sub-areas have reached buildout and recommended that these areas be removed from the Plan. He said during the last update, it was determined that Sub-Area 3 should remain in the Plan due to the potential development in the stormwater management facility at the high school should the Virginia Department of Environmental Quality modify their requirements. There was a consensus to remove these sub-areas from the Plan.

Mr. Stidham recommended retaining Sub-Area 5 as there are two unbuilt lots remaining. He discussed the configuration of Sub-Area 6. He asked members if they thought The Retreat at Berryville should be considered residential or commercial. There was a discussion about the individual rooms not having kitchen facilities in each room. It was determined that it would not be considered 80 housing units by Authority members. Mr. Weiss asked if there was a formula applied for water and sanitary sewer usage for these types of facilities. Mr. Stidham said that if it is not treated as a residential use, it would be considered a commercial use. Ms. Dunkle said she would research the question to discuss at the next meeting. Mr. Stidham added that we have not accounted for commercial units in the chart, only residential. He said there could be a couple of large commercial users who may use up some of the capacity.

Mr. Stidham discussed Sub-Area 6A which includes Robert Regan Village, stating that the Plan had identified 300 residential units in the Older Person Residential (OPR) with 120 of them multifamily. He said the total number of units exceeded that amount with the addition of the 120 multifamily units at the Regan Village development which was added to the existing 60 units at Mary Hardesty House to total 180 units. He added that development in this sub-area has not exceeded the 300-unit total capacity identified in the Plan. He asked Authority members how the additional 60 multifamily units and total number of units constructed should be addressed. Mr. Hudson noted that the Commonwealth Assisted Living facility has not been addressed. He said that the facility has one- or two-bedroom units without kitchen facilities. There was a discussion about lot yield in the sub-areas and the assumption of fixed capacities with residential and commercial development. Mr. Stidham said that water and sewer capacities should be available for commercial uses at all times.

Mr. Stidham said that non-residential uses dig into residential capacities and if the Town doesn't have the capacity, it would not be approved. There was a discussion about removing the Sub-Area and how to account for the flows. Mr. Stidham said the sub-area is near build out with one residential lot remaining. He asked Authority members about the 117 units currently identified in the Plan and whether to remove them or apply to the unused lot yield in the annexation area. He suggested revisiting this yield in the future meetings.

Mr. Stidham said that Sub-Area 9 included the Shenandoah Crossing subdivision, adding that it was reconfigured from the original Plan which included a portion of Darbybrook (formerly Apple Glen). He discussed the original by-right development plan in the 1990's. He said that 82 houses have been constructed with 54 units identified in the Plan as a factor of the early subdivision. Mr. Stidham said he has made a note to discuss the removal of 28 dwelling units in future discussions. He recommended removal from the Plan. Authority members agreed by consensus.

Mr. Stidham reviewed Sub-Areas 10, 11, and 12A. He said Sub-Area 10 was annexed into the Town in 2022 and identifies a development potential of six dwelling units. He discussed the Soldiers Rest Property and (Sub-Area 12A) and recommended no changes to any of these areas.

Mr. Stidham recommended discussing Sub-Areas 13, 14, and 15, which are currently under consideration for a rezoning, at the next meeting and skip ahead to discuss other sub-areas. He said that staff recommends removing Sub-Area 18 as Berryville Glen has been built out. Vice Chair Ohrstrom suggested that the sub-areas be re-numbered in sequential order for clarity. Chair Kitselman suggested that a reference to the history of the plan needs to be included. Mr. Stidham said he could enumerate the changes in the chart while simplifying that as well.

There was a discussion about Sub-Area 19B. It was determined that this property would be retained in the Plan. Mr. Stidham discussed Sub-Area 20 which includes the Johnson-Williams Apartments and Josephine School Museum. He said that there is no guidance currently in the narrative. Vice Chair Ohrstrom said this is an appropriate area for low- to moderate-income housing development. There was a discussion about the County-owned parcel and problematic access to the site. Mr. Weiss requested that staff provide the list of uses in the ITL zoning district for the next meeting.

Mr. Stidham described the sub-areas 25, 26, and 27A. There was a consensus that Sub-Areas 25 and 26 should be removed and to wait on 27A.

Mr. Weiss discussed the pool of residual units and whether there are other localities who identify them as such. Mr. Stidham responded by saying he has not seen any other localities that work together to make this determination. There was a discussion about the importance of the Town and County partnership.

ADJOURN

There being no further business and on a motion from Mr. Hudson, seconded by Ms. Smart, Chair Kitselman adjourned the meeting at 2:10 p.m.

Allen Kitselman, Chair

Christy Dunkle, Clerk