



Berryville Town Council

MEETING AGENDA

Berryville-Clarke County Government Center

101 Chalmers Court, Second Floor

Main Meeting Room

Work Session

November 9, 2020

3:00 PM

Item

Page

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**1. Call to Order**

**2. Approval of Agenda**

**3. Unfinished Business**

Discussion: Southeast Collector

2

**4. New Business**

Discussion: Senior Housing / Assisted Care / Nursing Homes

21

**5. Other**

**6. Closed Session**

**7. Adjourn**

## Town Council Work Session Report Summary

November 9, 2020

### Item Title

SE Collector Transportation Study

### Prepared By

Christy Dunkle

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### Background/History/General Information

The Berryville Town Council and Clarke County Board of Supervisors entered in to a Memorandum of Understanding in January of 2019 to obtain a transportation study regarding a collector road identified in the 2015 Berryville Area Plan as the "Southeast Collector." The final draft was completed in April of 2020 and will be presented by David Metcalf, Vice President of Virginia Transportation for Prime AE Group, Inc. at a joint meeting scheduled for July 14, 2020.

Items that prompted discussion and implementation of the study include:

- The Clarke County Business Park is fully developed;
- The collector road system as established in the Berryville Area Plan (Mosby Boulevard, Hermitage Boulevard, Fairfax Street, Jack Enders Boulevard) is critical to the connectivity of the Berryville Area;
- Access for businesses in the Clarke County Business Park out to 340 was needed;
- Tractor trailer and general traffic impacts to East Main Street;
- Discussion of expanding business park uses; and
- At-grade railroad crossing that was originally identified in the 2009 Berryville Area Plan was questionable.

Four concepts were developed by Town and County staff which included three alternatives to extend Jack Enders Boulevard and a fourth which identified a combination of two other concepts as follows:

- Concept A: extend Jack Enders Boulevard at the Norfolk Southern tracks with an at-grade crossing.
- Concept B: Extend Jack Enders Boulevard to Smallwood Lane and improve the existing crossing at Smallwood Lane and US 340.
- Concept C: Extend Jack Enders Boulevard to US 340 and into the Southern Potential Future Growth Area as identified in the Berryville Area Plan. This is a combination of Concept A and Concept D.
- Concept D: New road in the Southern Potential Future Growth Area without a connection to Smallwood Lane.

Town and County staff worked with the consultant to determine future access in the southeast quadrant of the Town. The study, which began in May of 2019, started with the identification of the scope, information gathering, identification of stakeholders, and discussion with Norfolk Southern staff to determine whether the at-grade crossing at the terminus of Jack Enders Boulevard would be permitted.

After several discussions with Norfolk Southern staff, the current at-grade crossing extending from the existing Jack Enders Boulevard terminus would likely not be an acceptable configuration. Analysis of discussions with the railroad concluded that the location of a new crossing (Concept A above) is not acceptable for the following reasons:

- At least one at-grade crossing in the Town or County would need to be closed to allow for a new crossing to be built. The determination of which crossing(s) would be closed would be made through an application process to Norfolk Southern.
- Norfolk Southern staff indicated that if there were major investment in rail facilities, such as a freight terminal or spur, a crossing could be conceivable in this location. They did identify concerns about stacking and impacts to adjacent existing crossings should a terminal or spur be constructed in this area.
- Safety issues were identified due to sight distance concerns (from north to south) due to a curve in the existing tracks.
- Norfolk Southern requires that a Concept Plan be developed and submitted to the railroad for review and approval which would incur engineering fees prior to any approvals or denials.

The final concepts recommended in the study identify several variations which are detailed in the attached Executive Summary. These include iterations of Concepts B and D, which phase the future proposed development, creating a connection to Smallwood Lane across an existing at-grade crossing at US 340.

#### **Findings/Current Activity**

The County Board of Supervisors discussed the collector study at a work session in early October. They directed their staff to discuss the study with Town staff and requested direction from Council on next steps. Staff has compiled information on four properties that are currently located within Annexation Area B to discuss at the meeting.

#### **Financial Considerations**

Costs to build the road are identified as approximately \$ 10 million for both B options. Costs would be paid through a number of options including property owner/developer, local assistance, VDOT funding (e.g., Revenue Sharing, SmartScale), or other possible state/federal grant programs.

#### **Schedule/Deadlines**

Continued discussions should occur between County and Town elected officials.

#### **Other Considerations**

N/A

**Recommendation**

Discuss next steps at the meeting.

Attachments: Southeastern Collector Study Executive Summary  
Information on properties in Annexation Area B



# Executive Summary

## Overview

The Town of Berryville and Clarke County, VA have long envisioned a Southeastern Collector to encourage expansion of the Clarke County Business Park. To determine how to best incorporate the existing roadway network, connect across the Norfolk Southern Rail Line and finance the collector, the Town of Berryville and Clarke County commissioned the *Southeastern Collector Transportation Study*.

Four concepts for the Southeastern Collector were developed by Town and County Staff. There are three general alternatives to extend Jack Enders Boulevard and the Business Park. The fourth concept is a combination of two other concepts. The four concepts are below:

1. Concept A. Extend Jack Enders Boulevard over NS railroad to US 340.
2. Concept B. Extend Jack Enders Boulevard to Smallwood Lane and improve Smallwood Lane to US 340.
3. Concept C. Extend Jack Enders Boulevard to US 340 and into Southern Potential Growth Area. This Concept is a combination of Concept A and D.
4. Concept D. New Road in Southern Potential Growth Area without a connection to Smallwood Lane.

*See exhibits in appendix.*

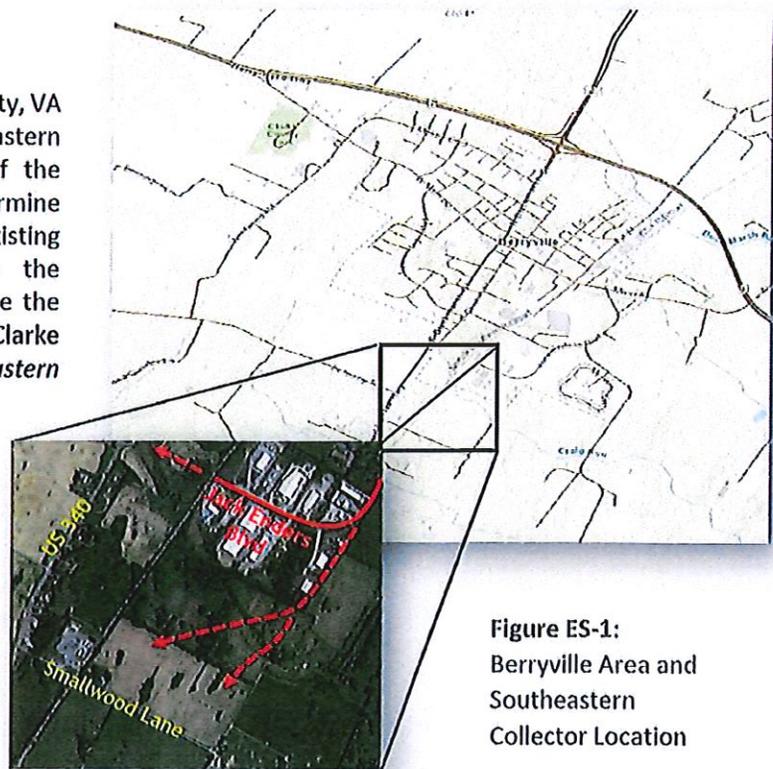


Figure ES-1:  
Berryville Area and  
Southeastern  
Collector Location

## Feasibility of New At-Grade Norfolk Southern Crossing

Although the Clarke County Business Park site plan shows an extension of Jack Enders Boulevard, the approval for a new-at-grade crossing is beyond the Town or County's control. As such, one of the objectives of this study is to determine the feasibility of a new crossing, and specifically of Concept A.

The feasibility of a new at-grade crossing depends on the answers to two key questions:

- 1) What would be necessary to obtain approval from Norfolk Southern for a new crossing?
- 2) Is the Jack Enders Boulevard extension the most optimal location for a new collector in the southeastern growth area?



Multiple conversations were held with Norfolk Southern staff. New, at grade crossings are not only highly discouraged, but also discouraged by Virginia State Statute<sup>1</sup>. Two hypothetical scenarios were discussed with Norfolk Southern Staff to gage the feasibility of a new crossing. First, what if the Town closed two or more existing at grade crossings? Second, would Norfolk Southern be amenable if the Town created a new siding and rail related commercial area?

The Norfolk Southern staff were not amenable to these hypothetical scenarios. Norfolk Southern Staff cited Virginia State Statute, and current efforts to eliminate at grade crossings. Furthermore, the proposed location of the new at grade crossing for Concept A is located on a curve and has sight distance limitations for southbound trains and would be disruptive to local residents. Although Norfolk Southern staff were careful not to formally reject the proposed at grade crossing, they were very clear that it was not a realistic a concept<sup>2</sup>.

To obtain approval of a new at grade crossing, Norfolk Southern requires a Concept Package be submitted<sup>3</sup>. Subsequent plans are normally reviewed by Norfolk Southern at the requester's expense. It is likely that the Town would need to enter into a Preliminary Engineering Agreement with Norfolk Southern and provide compensation to Norfolk Southern to continue applying the new at grade crossing.

The coordination with Norfolk Southern, research and analysis concluded:

1. The location of the new crossing for Concept A is not acceptable to Norfolk Southern. Even extraordinary efforts by the Town and County will be insufficient to overcome the general aversion to new at grade crossings, and especially in the proposed location.
2. The Town and County do not have existing crossings that can be eliminated to continue a dialog with Norfolk Southern. Nor does the Town and County have plans for major investment in a rail facility to make the new crossing part of a larger package.
3. To further pursue the new crossing for Concept A will require developing a Concept Package, and possibly enter into a Preliminary Engineering agreement with Norfolk Southern, and incur the expense of Norfolk Southern engineering reviews.
4. The location of Concept A is not superior to the other options. Concepts B and D create more developable property than Concept A. Concepts B and D have less wetland impacts than Concept A. Concept A's only advantage is lower construction cost.

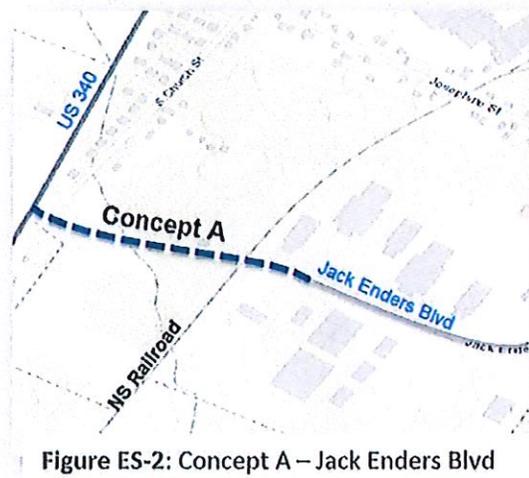


Figure ES-2: Concept A – Jack Enders Blvd Extended with new NS Railroad crossing.

<sup>1</sup> Va. Code Ann. § 56-363 (1996).

<sup>2</sup> Teleconference held June 19, 2019. Attendees from Norfolk Southern: Mr. Roger Bennett (NS Corp) and Mr. Scott Overbey (NS Corp).

<sup>3</sup> Norfolk Southern Railway Company, Public Projects Manual, Rev 2; Section 4 page 3.



As such, the Study Team recommended that the Town and County discontinue consideration of Concept A as the proposed Southeastern Collector. Concept C is a combination of Concept A and Concept D; as such this concept is also eliminated.

### Final Concepts Selected for Study

Concept B and Concept D were selected for further study. Within both concepts are two variations, resulting in four Concepts, shown in Figure ES-2 with a typical road profile in Figure ES-4. The northern Terminus is shown in Figure ES-5

1. Concept B1- Extend Jack Enders Boulevard into the Smallwood Property, perpendicular to Craig's Run and onto Smallwood Lane. Upgrade Smallwood Lane and Smallwood Lane's existing at grade crossing of Norfolk Southern RR.
2. Concept B2 – Similar to B1, however the roadway will run further east to take advantage of existing Smallwood Lane.
3. Concept D1 – Identical to B1, without the connection to Smallwood Lane. This alternative will not provide a crossing of Norfolk Southern for the expanded Business Park.
4. Concept D2 - Identical to B2, without the connection to Smallwood Lane. This alternative will not provide a crossing of Norfolk Southern for the expanded Business Park

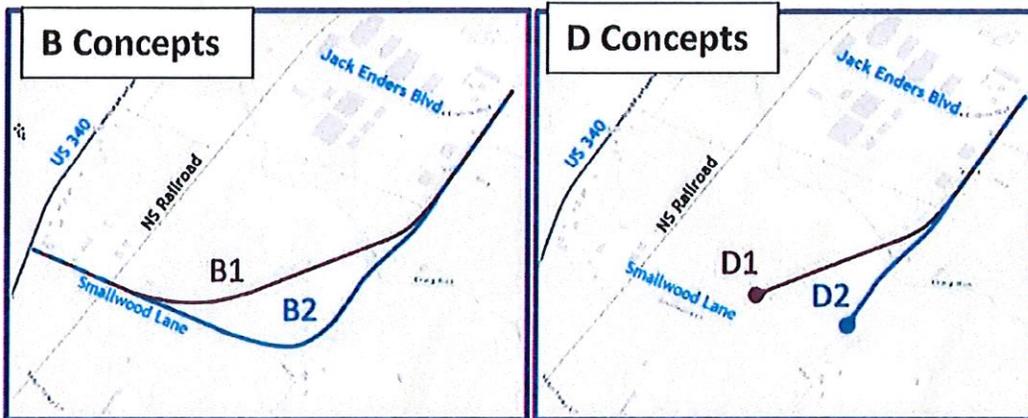


Figure ES-3: Concepts for Southeastern Collector

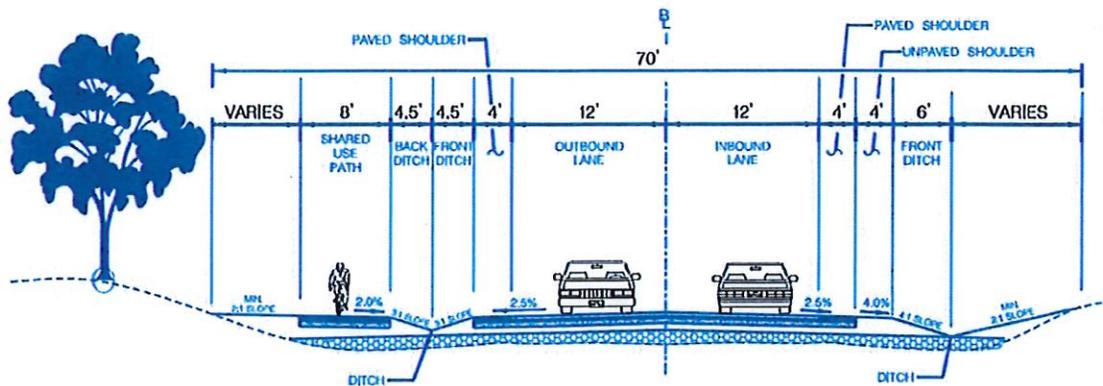


Figure ES-4: Typical Section of Southeastern Collector.





Figure ES-5: Southern Collector Northern Terminus

### Changes in Travel Patterns

A microsimulation model of the Town was used to determine the changes in traffic patterns and changes in Level of Service at key intersections. The Land Use and Traffic Analysis found the following:

- The development associated with the Collector roadway is projected to be 500,000 square feet (SF) of light industrial. This development is projected to generate 340 vph from the area and 110 vph to the area (PM peak hour).
- The downtown Berryville Main Street Intersections are projected to have modest increases in traffic volume and Intersection delay.
- Additional traffic from Concept D is expected to use local streets to avoid the center of Berryville. With Concept D nearly 200 vehicles during the PM peak hour are projected to divert away from the intersection of US 340 and Main Street.
- Concept B creates a route to bypass downtown Berryville. The model projects 130 vph to use Concept B as a bypass under normal conditions (PM peak hour).
- The traffic at the Jack Enders Boulevard / Main Street intersection will increase by 494 vph, over 60%, with Concept D. Current total volume is 812 vph.
- With Concept D additional capacity is needed at Jack Enders Boulevard and Main Street. A new signalized intersection with a dedicated westbound left turn lane and eastbound right turn lane will be necessary.
- Initially the negative impacts from Concept D will be manageable. A new signal at Jack Enders Boulevard will not be necessary until development is well underway.
- Traffic on Smallwood Lane will increase from 10 vph to 533 vph with Concept B. This will create the need for improvements to US 340 and, eventually, a new signal.

## Environmental Impacts

**Natural Environment** – Both Concepts are largely located in farmland, as such impacts to habitat, forests, and endangered species are estimated to be minimal. The impacts will be limited to Craig’s Run, an intermittent stream which is surrounded by wetlands, and a freshwater forested wetland.

The B1 and D1 Concepts have the least impacts to wetlands. They were developed to have a clean, direct perpendicular crossing of Craig’s Run. Nonetheless the B2 and D2 Concepts are still estimated to impact only 1 acre of wetlands.

**Historical Resources** – The Concepts are not located near any state or federal registered historic properties. There are three structures impacted by Concepts B2 and D2 along Lindey Lane. These structures were determined by Clarke County to have some historic significance.

## Project Costs

Table ES-1 summarizes the cost of each Concept. Concept D1 and D2 are less costly by virtue of terminating before Smallwood Lane.

Table ES-1 Comparative Costs (\$ thousands)				
	B1	B2	D1	D2
<b>Construction Cost</b>				
Mainline	\$8,130	\$7,950	\$5,280	\$4,820
Intersection Improvements	\$560	\$560	\$430	\$430
New Traffic Signals	\$600	\$600	\$540	\$540
At Grade Railroad Crossing	\$160	\$160	\$0	\$0
Subtotal Construction Cost <sup>4</sup>	\$9,460	\$9,280	\$6,250	\$5,790
ROW Cost	\$100	\$100	\$60	\$70
<b>Total Cost</b>	<b>\$9,560</b>	<b>\$9,380</b>	<b>\$6,310</b>	<b>\$5,870</b>

<sup>4</sup> Construction cost per mile: B1 - \$9,080; B2 - \$8,670; D1 - \$10,310; D2 - \$10,200



## Summary – Advantages and Disadvantages of Each Concept

**Concept B1** – This Concept is the most expensive but provides the most benefit. The alignment splits the Smallwood Property providing a central roadway for the new business park. The additional connection to US 340 aids the flow of traffic from the new and existing business park.

The alignment also minimizes the impact to Craig’s Run and surrounding wetlands. However, it is the costliest Concept with an estimated cost of \$9.6 Million

**Concept B2** – This Concept is a variation of B1 and uses existing Lindey Lane. Compared with B1 it is located on the edge of the Smallwood Property, and has a less direct crossing of Craig’s Run and increased environmental impacts. However, this Concept has the same traffic benefits as B1 and a slightly lower cost of \$9.4 Million.

**Concept D1** – This Concept follows the B1 alignment; however, it does not provide a new connection to US 340. As such it results in additional traffic through downtown Berryville and will require an upgrade to the intersection of Jack Enders Boulevard and East Main Street. The cost is lower than either of the “B” Concepts at \$6.3 Million.

**Concept D2** – As with B2 this Concept is on the edge of the Smallwood Property and will not be a central roadway for the new business park. It also has a less direct crossing of Craig’s Run, which increases the environmental impacts to Craig’s Run. However, this Concept has the lowest cost of \$5.9 Million.

Table ES-2 Summary of Costs and Benefits				
	B1	B2	D1	D2
<b>Land Use</b>	Bisects Smallwood Property	Eastern Edge of Smallwood Property not optimal	Bisects Smallwood Property	Eastern Edge of Smallwood Property not optimal
<b>Environmental</b>	Minimal impact to Craig’s Run	Not as environmentally preferred crossing of Craig’s run	Minimal impact to Craig’s Run	Not as environmentally preferred crossing of Craig’s run
<b>Traffic Flow</b>	Improves traffic flow throughout	Improves traffic flow throughout	Large increase on Jack Enders Boulevard, traffic diversions onto Berryville streets	Large increase on Jack Enders Boulevard, traffic diversions onto Berryville streets
<b>Implementation</b>	More \$\$, includes new connection at US 340.	More \$\$, includes new connection at US 340.	Can be expanded after initial phase.	Can be expanded after initial phase
<b>Total Cost</b>	<b>\$9,560</b>	<b>\$9,380</b>	<b>\$6,310</b>	<b>\$5,870</b>



## Conclusions, Implementation and Recommendations

Concept B1 best meet the needs of the Town and County. The Concept provides an upgraded crossing of the Norfolk Southern Railroad, improved traffic flow in and around Berryville and best promotes future development in the Southern Growth Area. The estimated cost is \$9.6 Million. A variety of funding sources are appropriate for this project as listed in table ES-3.

Planning, funding and building the new roadway will require a multi-pronged and multi-phased approach.

First, the Southern Growth Area, primarily on the Smallwood property, will need to be planned. With a vision of how this property will be redeveloped the Town and County can add this vision to the Comprehensive Plan and update the zoning. These initial planning steps will allow the roadway to compete for Smart SCALE funding and open the potential for grants and investment from private developers.

<b>Table ES-3 Funding Sources</b>	
<b>Transportation Funds</b>	<b>Brief description</b>
Smart SCALE	Primary source for roadway funding. Smart SCALE Prioritizes projects for use of transportation State and Federal funds.
Revenue Sharing	VDOT program, provides a 50% match for qualifying projects. Other funds can be used for 50% match
Public Private Partnerships	The Public Private Transportation Act enables local governments to partner with private entities to build roadways.
<b>State Grant Funder</b>	
Community Development Block Grant	Based upon demographics and community need
FEMA flood protection policies and regional planning	Flood education, policy enforcement, construction standard updates, ordinance review
VDOT SRTS	Safe routes to schools, walking trails, bike trails
Go Virginia, Growth and Opportunity	Tech sector partnerships to develop economy in rural areas
<b>Federal Grant Program</b>	
USDA/NRCS Watershed Protection grants	For water quality, water supply protection, habitat
US Forest Service Land and Water Conservation Fund	Purchase land for permanent protection
TIGER/Build grants	Public transportation program 20% for urban areas
Redismart, department of Energy	For smart grid design implementation
INFRA program	Transportation that promotes economic vitality, accountability along freight highway



Second, the Town and County need to actively pursue funds from State and Federal grants and investment from developers. An extension of Jack Enders Boulevard into the Smallwood Property, like Concept D1, will encourage some initial development on the Property. With this initial development it will be easier to attract other users or developers to the property. The site will be able to generate revenue and provide the funds to finish the Collector with either Smart SCALE or Revenue Sharing.

With a marketable vision the site and roadway will be a candidate for a Virginia Public Private Partnership (P3). This program will allow the Town and County to contract the development of the site. A private entity will assume much of the funding and risk, and in turn receive either future revenues or profits from the site.

Smart SCALE is the dominant program for allocating State and Federal transportation funds. In rural areas, the largest source of points is Economic Development. The Southern Growth Area will need to be planned for the Southeastern Collector to gain Economic Development points. Without Smart SCALE, the Town and County can also receive a 50% match using the Revenue Sharing program. With Concept B1, the Town and County will need to raise \$ 4.8 Million (one half of \$9.6 M). Other grants and private money can be used for this match.

Concept B1 could be implemented in four phases:

- I. Extend Jack Enders Boulevard into the Smallwood property to stimulate initial development.
- II. As development progresses, improve the Jack Enders Boulevard / Main Street Intersection.
- III. As development approaches 75% of buildout, extend the Connector to US 340.
- IV. When traffic warrants, add a signal at the intersection of Smallwood Lane and US 340.

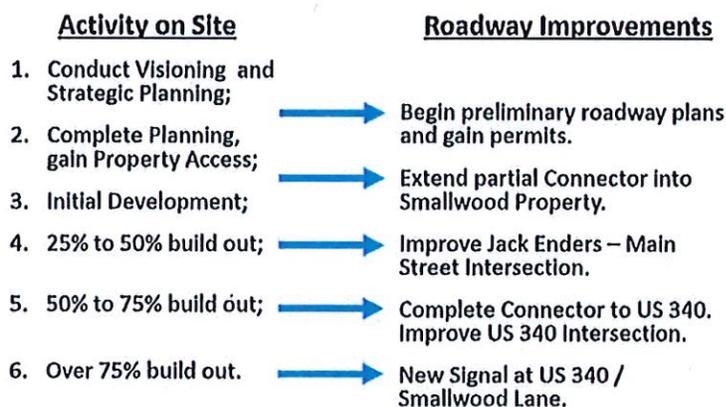


Figure ES-6: Timing of Connector Construction

The timing of the phases will depend on the type of development and corresponding number of trips generated. When development reaches 25% of full buildout approximately 125 thousand SF of development will have occurred. For a typical industrial park this will create an additional 870 new daily trips and 107 new peak hour trips. This typical scenario is not likely to trigger the need for roadway improvements, however if the new development has greater than typical trip generation or a high number of trucks then roadway improvements may be necessary.



When the development reaches 50% of buildout and 250 thousand SF of development, improvements to Jack Enders Boulevard will be necessary. At this point it will also be necessary to gain environmental approvals and begin design of the Connector. By 75% of buildout and 375 thousand SF of development it will be time to complete the Connector to US 340. The final improvement is a signal at US 340 and Smallwood Lane. This improvement should be implemented when conditions warrant, likely after 75% development.

The Southeastern Collector and the accompanying development will create many benefits for the Town and County. We recommend that the Town and County select Concept B1 and begin the visioning and planning for the associated development.





Department of Planning & Zoning

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**1. Miercke Property (JEB)**

14-A-56 - 12.57 acres

Zoned BP

Located on Jack Enders Boulevard

Sub-Area 19A

Adjacent zoning districts: DR-1 (Berryville Glen, east), OSR (Allen, northeast), ITL (Milton Valley Cemetery, northwest), BP (Clarke County Business Park, west)

Comments:

- Water and sewer available in front of the property on Jack Enders (confirm)
- R/W needed through a portion of the property for future JEB extension

**2. Mercke Property/County (340)**

14-A-38 – 13.08 acres

14-A-38A – 16.2 acres

14-A-38B – 2.63 acres (County)

Zoned BP

Located between NS tracks and US 340

Sub-Area 23

Adjacent zoning districts: BP (CC Business Park, east), DR-2 and DR-4 (residential, north), AOC (south and west)

Comments:

- Previous development application included 10-lot subdivision, utilities originally proposed under tracks
- Originally called for cul-de-sac at the end of Church Street
- Sensitivity to adjacent residential development, storm water management, steep slopes
- A portion is included in County Historic Access Corridor Overlay District (within 300 feet of US 340)

**3. County Property (Josephine Street)**

14-6-5 – 1 acre

Zoned ITL

Located next to Johnson-Williams Apartments

Sub-Area 20

Adjacent zoning districts: BP (CC Business Park south and west), DR-4 (residential, north), ITL (east)

Comments:

- Previous discussion on development of additional affordable housing units
- Access and capacity issues for future development

#### **4. Dorick/Byrd Property (340)**

14-A-11C – 7.01 acres

Zoned DR-1

Located south of Town on the west side of 340

Sub-Area 27B

Adjacent zoning districts: DR-4 (residential, east), DR-2 (residential, north), AOC (south and west)

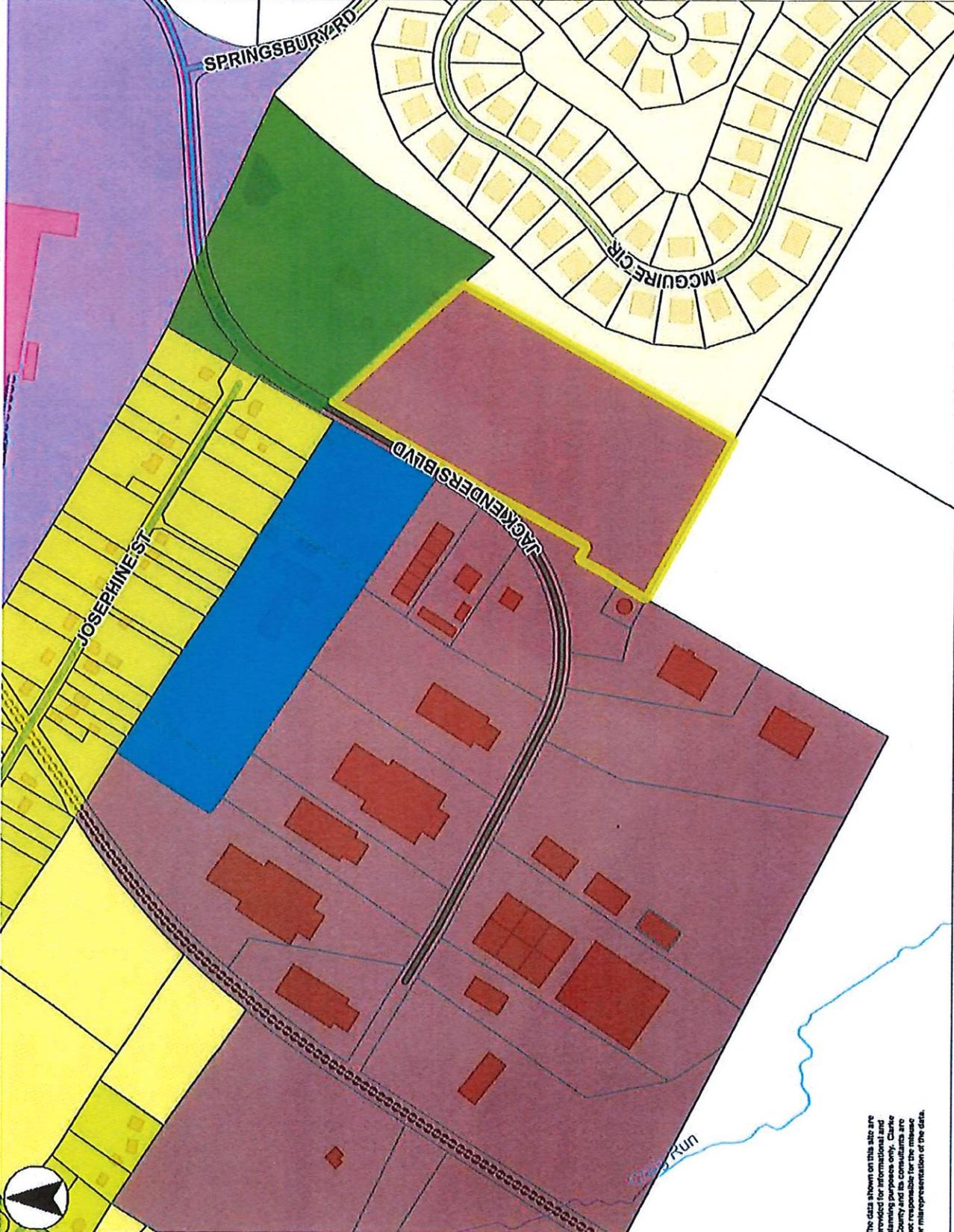
Comments:

- Yield of 14 residential parcels identified in the BAP
- Discussion of other land uses (e.g., BC) should occur

1



- Public Points of Interest
- Parcels
- Berryville Zoning
  - Detached Res-1 (DR)
  - Detached Res-2 (DR)
  - Detached Res-3 (DR)
  - Residential-1 (R-1)
  - Residential-2 (R-2)
  - Residential-3 (R-3)
  - Attached Res (AR)
  - Other Persons Res (OPR)
  - Single Family (S)
  - Business Park (BP)
  - Bus Commercial (BC)
  - Light Commercial (LC)
  - Driveway Commercial (DC)
  - Light Industrial (LI-1)
  - Industrial (I)
  - Clarke County Boundary
- Major Roads
  - Interstate
  - US Highway
  - State Highway
  - Surrounding Counties Open
- Clarke County Roads
  - Private Roads
  - Roads
  - Rail
- Buildings
  - Appalachian Trail
  - Streets
  - Streams
  - Perennial Streams
  - Intermittent Streams
  - Ponds
  - Rivers



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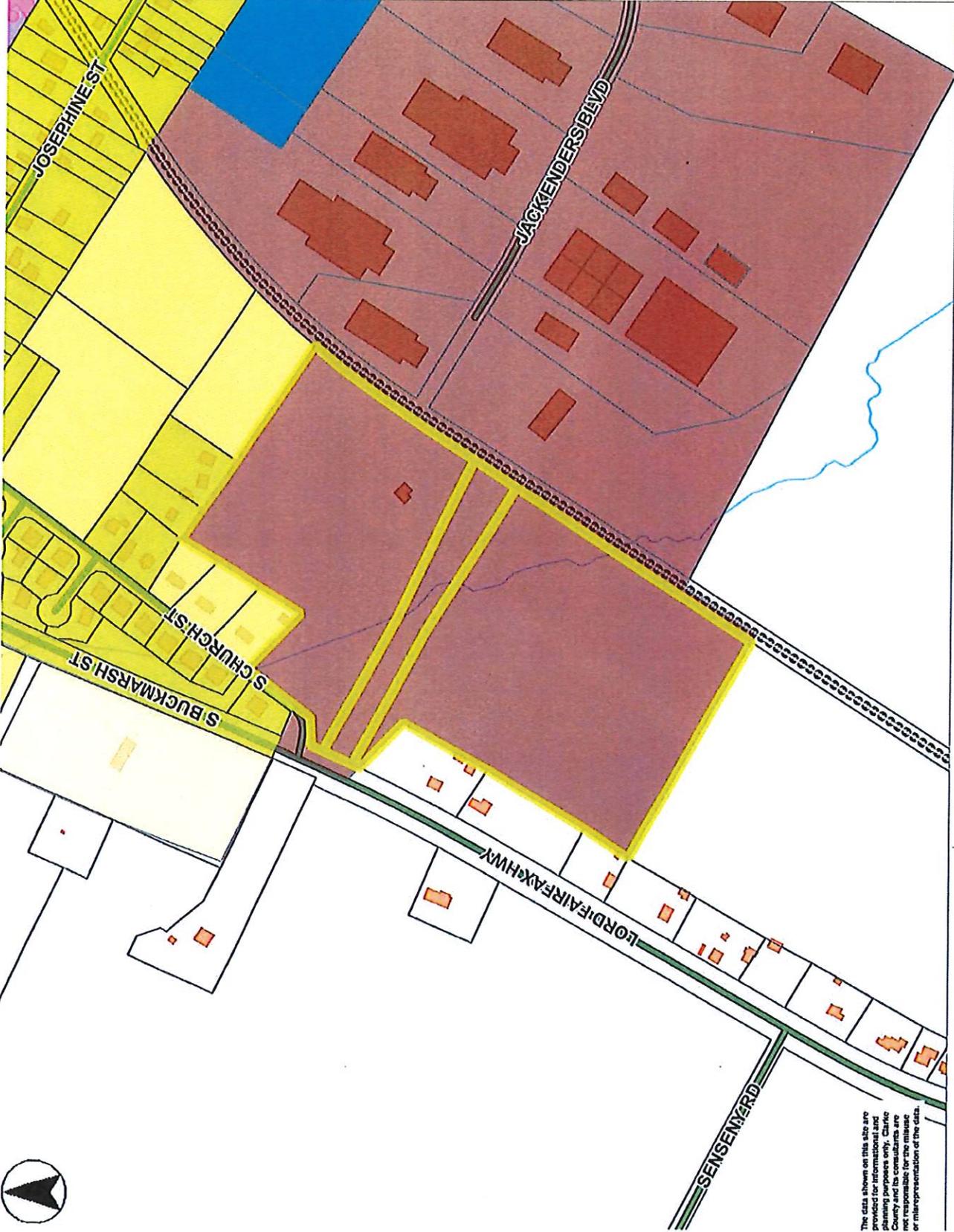
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- Public
- Points of Interest
- Parcels
- Berryville Zoning
  - Detached Res-1 (DR)
  - Detached Res-2 (DR)
  - Detached Res-4 (DR)
  - Residential-1 (R-1)
  - Residential-2 (R-2)
  - Residential-3 (R-3)
  - Office/Neighborhood (ON)
  - Open Space Res (OS)
  - Business (B)
  - Business Park (BP)
  - Bus Commercial (BC)
  - Light Commercial (LC)
  - Light Industrial (LI)
  - Light Industrial (LI-1)
  - Institutional (ITL)
- Clarke County Boundary
- Major Roadways
  - Interstate
  - US Highway
  - State Highway
- Surrounding Counties Ops
- Clarke County Roads
  - County Roads
  - Roads
  - Rail
- Buildings
- Appalachian Trail
- Streams
  - Perennial Streams
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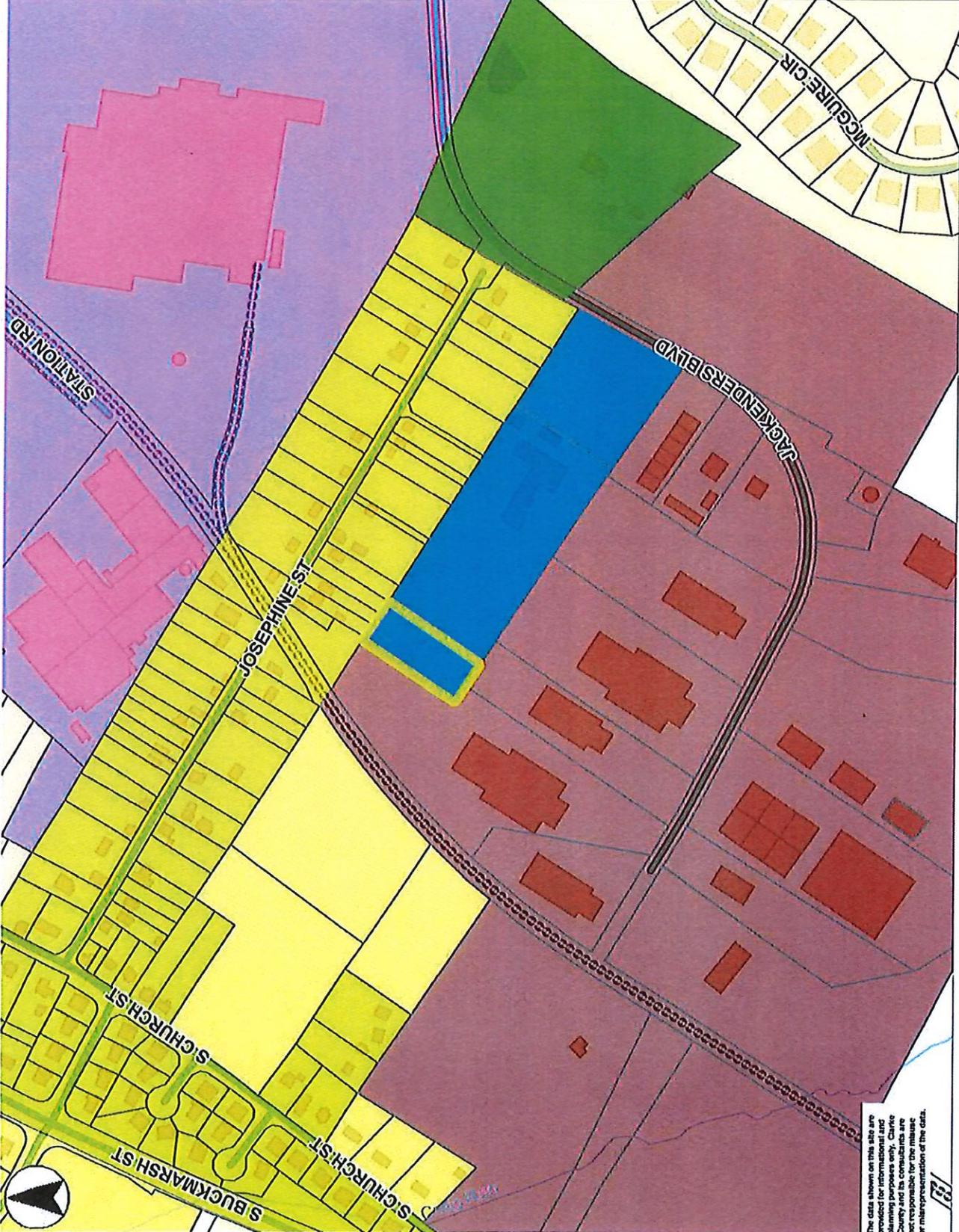
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# Clarke County MapsOnline

3



- Public
- Points of Interest
- Parcels
- Bermuda Zoning
  - Detached Res-1 (DR)
  - Detached Res-2 (DR)
  - Detached Res-4 (DR)
  - Residential-1 (R-1)
  - Residential-2 (R-2)
  - Residential-3 (R-3)
  - Other Paved Res (O)
  - Open Space Res (OS)
  - Business (B)
  - Business Park (BP)
  - Light Commercial (LC)
  - Light Industrial (LI)
  - Institutional (ITL)
- Clarke County Boundary
- Major Roads
  - Interstate
  - US Highway
  - State Highway
  - Surrounding Counties Ops
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# Clarke County MapsOnline

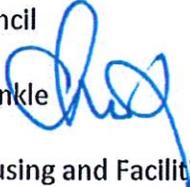




Department of Planning & Zoning

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## MEMO

DATE: November 5, 2020  
TO: Town Council  
FROM: Christy Dunkle   
RE: Senior Housing and Facilities Review

Mayor Arnold requested that staff compile information to review and discuss at the work session concerning senior housing and related facilities (e.g., nursing homes, assisted living, memory care).

The information in this report includes the identification of existing facilities and related zoning designations that allow such uses.

November 9, 2020 Work Session

## **Senior/Low- and Moderate-Income Housing, Assisted Living, and Nursing Homes**

*Please note: Low to Moderate Income (LMI) levels identified in the narratives may not be current. Please see the current LMI levels on the last page of this report.*

### **Johnson-Williams Apartments**

*301 Josephine Street*

Johnson Williams is a multifamily community for low-income senior citizens. The 40-unit building has 34 efficiency units, four (4) one (1) bedroom units, and two (2) two (2) bedroom units. Apartments are rented to seniors meeting the income guidelines.

This building was originally Johnson Williams Intermediate School, and in 1991 it underwent an adaptive rehabilitation. Further upgrades were performed in 2012.

#### **HOME Investment Partnerships Program**

This project has received some funding from a participating jurisdiction (local or state government agency) through the HUD HOME Investments Partnerships Program (HOME). In projects with five or more HOME-assisted units, at least 20% of these units must be occupied by families earning 50% or less of area median income (AMI). All other HOME-assisted units must be occupied by families earning 80% or less of AMI, but in practice most are reserved for families earning 60% or less AMI. Maximum monthly rent is capped with a Low HOME Rent for <50% AMI units and a High HOME Rent for the remaining HOME-assisted units. Contact the property directly for the specific dollar amount of these rent caps.

#### **Berryville Low-Income Housing Tax Credit Income Limits**

Generally, households earning up to the income limit (in the table below under Mary Hardesty House description) for their household size are eligible for units participating in the Low-Income Housing Tax Credit program in Berryville but actual income limits may differ for units at Johnson Williams Apartments.

SOURCE: [affordablehousingonline.com](http://affordablehousingonline.com)

### **Mary Hardesty House (apartments)**

*218 Mosby Boulevard*

- 60 units
- Low-income housing tax credit (LIHTC)

Since this property has received funding in part through the Low Income Housing Tax Credit (LIHTC) program, a certain number of units are set aside for lower income households. Households must earn either less than 50% or 60% of the area median income (depending on

the set-aside option chosen by the property owner) to qualify for these units. Rents in these units are capped at a maximum of 30% of the set-aside area median income (adjusted for unit size). Some rental units in this property may not be subject to LIHTC and therefore have higher rents and no maximum household income requirement.

**Berryville Low-Income Housing Tax Credit Income Limits**

Generally, households earning up to the income limit in the table below for their household size are eligible for units participating in the Low-Income Housing Tax Credit program in Berryville but actual income limits may differ for units at Mary Hardesty House.

AMI Band	1 Person	2 Person	3 Person
Very Low Income (50%)	\$32,900	\$37,600	\$42,300
Low Income (60%)	\$39,480	\$45,120	\$50,760

SOURCE: affordablehousingonline.com

**Orchard Court Apartments**

*100 Orchard Court*

28 units

Section 515 Rural Renting Housing

This property has received funding in part through the Section 515 Rural Rental Housing (Section 515) program. Very low, low, and moderate income families, elderly persons, and persons with disabilities are eligible to live at this property. Persons or Families living in substandard housing have priority for tenancy.

SOURCE: affordablehousingonline.com

**Robert Regan Village (apartments)**

*430 Mosby Boulevard*

120 units including 40 1BR units (\$1,150.00 rent) and 80 2BR units (\$1,285.00 rent)

Age restricted 55 and over

Income limits (60% median income):

1 person	2 people	3 people
\$52,920	\$60,480	\$68,040

SOURCE: Mark Dana Management LLC

## **Washington Square Apartments II**

17 East Main Street

40 units

Section 515 Rural Rental Housing

Section 521 USDA Rental Assistance

### **Section 515 Rural Rental Housing**

This property has received funding in part through the Section 515 Rural Rental Housing (Section 515) program. Very low, low, and moderate income families, elderly persons, and persons with disabilities are eligible to live at this property. Persons or Families living in substandard housing have priority for tenancy.

### **Section 521 USDA Rental Assistance**

The property participates in the USDA Rural Development Rental Assistance program. This rental subsidy, available only to USDA Section 514, 515 and 516 properties, ensures renters only pay 30% of their adjusted income towards rent. USDA Rural Development Rental Assistance may not be available for all units at this property.

### **Berryville HUD Rental Assistance Income Qualifications**

Generally, households earning up to the income limit in the table below for their household size are eligible for units participating in a HUD rental assistance program in Berryville but actual income limits may differ for units at Washington Square II.

<b>AMI Band</b>	<b>1 Person</b>	<b>2 Person</b>	<b>3 Person</b>
<b>30%</b>	\$19,750	\$22,550	\$25,350
<b>50%</b>	\$32,900	\$37,600	\$42,300
<b>80%</b>	\$52,600	\$60,100	\$67,600

SOURCE: [affordablehousingonline.com](http://affordablehousingonline.com)

### **Assisted Living Facilities:**

- Commonwealth Assisted Living (formerly Greenfield, 60 beds)
- Retreat at Berryville (assisted living and memory care, 53 beds including four new memory care and four new assisted living units approved by the BADA at their October meeting)
- Rose Hill Nursing Home (nursing and rehabilitation, 120 beds)

### **Recently closed:**

- Godfrey House (assisted living)

**Zoning Designations That Allow These Uses (Town Zoning Map is included following this report)**

*R-2 Residential*

- Regulated under Section 202.
- 202.2(a) allows nursing, convalescent, or rest homes as a use by Special Permit.

*R-3 Residential*

- Regulated under Section 203.
- 203.2(a) allows nursing and/or convalescent homes by Special Permit.

*C General Commercial*

- Regulated under Section 204.
- 204.1(i) allows nursing homes by right.
- 204.1(u) allows hospitals, nursing homes, convalescent homes, and rest homes as a use by right.

*AR Attached Residential*

- Regulated under Section 605.
- 605.3(h) allows institutional housing and general care of indigents or orphans.

*MR Multifamily Residential [NOTE: no parcels are zoned MR within the Town Corporate Limits]*

- Regulated under Section 606.
- 606.3(i) allows institutional housing and general care of indigents and orphans.

*BC Business Commercial Zoning District*

- Regulated under Section 610.
- Located in Annexation Area B.
- 610.2(o) allows medical care facilities, licensed as a use by right.

*B Business*

- Regulated under Section 611.
- Located in Annexation Area B.
- 611.2(o) allows medical care facilities, licensed as a use by right.

*ITL Institutional*

- Regulated under Section 613.
- Located in Annexation Area B.
- 613.3(b) allows hospitals and medical care facilities by Special Permit.
- 613.3(c) allows low- and moderate-income housing by Special Permit.
- Additional regulations for hospitals and medical care facilities include the following under Section 613.6:
  - (f) Additional Standards for Hospitals and Medical Care Facilities
    - (1) All applications for medical care facilities shall be filed at the same time as the application for a State Medical Facilities Certificate of Public Need.

- (2) In the governing body's granting of an approval to the applicant, in addition to the information provided by the applicant, the governing body may solicit information and comment from such providers and consumers of health planning organizations as may seem appropriate, provided that the governing body shall not be bound by any such information or comment.
- (3) No such use shall be located on a lot containing less than five (5) acres.

- Additional regulations for low- and moderate-income housing include the following under Section 613.6:

(g) Additional Standards for Housing Low- to Moderate- Income Households

- (1) Such housing shall be occupied only by households having an income not greater than eighty (80) percent of the median household income in Clarke County.
- (2) Such housing may be in the form of Multifamily, Attached Single-Family, or Detached Single-Family.
- (3) All requirements for such housing including uses, density, lot size, bulk, height, setbacks and open space, shall be those found in the AR Residential Zoning District with the following requirements for Multi-family development:
  - (a) Maximum Density: 12 units per net developable acre
  - (b) Minimum District Size: 3 acres
  - (c) Bulk and Open Space Regulations for Multifamily structures:
    - (1) Maximum building height: 35 feet
    - (2) Minimum yard requirements
      - (i) Front: 25 feet
      - (ii) Side: 25 feet
      - (iii) Rear: 45 feet
    - (3) Minimum building separation between multifamily structures on the same parcel: 25 feet
    - (4) Forty (40) percent of the site shall be open space.
    - (5) Such housing for the elderly (62 or older, or handicapped and 55 or older) may include general nursing facilities designed solely for the residents as an accessory use.
    - (6) All facilities of the development shall be solely for the use of the residents, employees and invited guests, but not for the general public.

*OPR Older Person Residential*

- Regulated under Section 614.
- Located in Annexation Area B.
- 614 allows a number of opportunities for seniors, complete Section 614 is attached.

**Article I Definitions**

1. **Assisted living facility** – a residential facility in which no more than eight individuals with mental illness, mental retardation, or developmental disabilities reside, with one or more resident counselors or other staff persons, as residential occupancy by a single family.
2. **Housing for older persons** – such housing shall be in accord with Virginia Code Section 36-96.7, as amended, and pursuant to said Code Section, means housing 1) provided under any state or federal program that is specifically designed and operated to assist elderly persons, as defined in the state or federal program; 2) intended for, and solely occupied by, persons sixty-two years of age or older; or 3) intended for, and solely occupied by at least one person fifty-five years of age or older per unit.  
The following criteria shall be met in determining whether housing qualify as housing for older persons under Subdivision 3 of this Section:
  - (1) The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons;
  - (2) That at least eighty percent of the units are occupied by at least one person fifty-five years of age or older per unit; and
  - (3) The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five years of age or older. In determining the criteria to be met, unoccupied units shall be considered, provided such units are reserved for occupancy by persons who meet the above criteria.
3. **Medical care facilities, licensed** – skilled nursing facilities and nursing facility care, licensed by the Virginia Department of Health and providing 24-hour medical care to residents.
4. **Nursing home (convalescent home, rest home)** – a place containing beds for two (2) or more patients, established to render live-in and/or nursing care for chronic or convalescent patients and which is property licensed by the State, but not including child care homes or facilities for the care of drug addicts, alcoholics, or other patients requiring extensive and/or intensive care than is normally provided in a general hospital or other specialized hospitals. Such terms shall include group homes serving mentally regarded or other developmentally disabled persons.

**Median Income Levels in Clarke County (November 5, 2020)**

MSA: Washington-Arlington-Alexandria, DC-VA-MD HUD Metro FMR Area

Median Income: \$126,000.00

%	One	Two	Three	Four	Five	Six	Seven	Eight
30%	\$26,500.00	\$30,250.00	\$34,050.00	\$37,800.00	\$40,850.00	\$43,850.00	\$46,900.00	\$49,900.00
40%	\$35,280.00	\$40,320.00	\$45,360.00	\$50,400.00	\$54,440.00	\$58,480.00	\$62,520.00	\$66,560.00
50%	\$44,100.00	\$50,400.00	\$56,700.00	\$63,000.00	\$68,050.00	\$73,100.00	\$78,150.00	\$83,200.00
60%	\$52,920.00	\$60,480.00	\$68,040.00	\$75,600.00	\$81,660.00	\$87,720.00	\$93,780.00	\$99,840.00
80%	\$55,750.00	\$63,700.00	\$71,650.00	\$79,600.00	\$86,000.00	\$92,350.00	\$98,750.00	\$105,100.00

SOURCE: VHDA.com

**SECTION 614 - OLDER PERSON RESIDENTIAL (OPR)**

**614.1 PURPOSE AND INTENT**

The Older Person Residential (OPR) District is created to provide for residential, office, and service uses for people over 55 years old at locations compatible with the Comprehensive Plan's goals for residential development in the Town of Berryville and within the precincts of the Berryville Area Plan. Maximum densities are established in this district to allow the various types of uses at a scale compatible with the general character of the Town and the nature of the uses. This district may be applied to development with the intent of preserving natural features and vegetation, promoting excellence in site planning and landscape design, and encouraging development with compatible scale, materials and architectural character. Development in the OPR District shall be sensitive to land physiography, provision of adequate public infrastructure, and development of high-quality transportation improvements while achieving optimal siting of dwellings, services, recreation areas, community facilities, and open space.

**614.2 PERMITTED USES**

- (a) Accessory structures less than one hundred fifty (150) square feet in size
- (b) Community buildings and association facilities, public and private, including recreation areas and other common area improvements associated with residential developments
- (c) Housing for Older Persons Residential: Single Family Detached; Single Family Attached – Duplexes, Tri-plexes, Quad plexes, Townhouses, and Multi-family Apartments (including personal service uses of less than 500 square feet) (10/16)
- (d) Public utilities
- (e) Recreation facilities (indoor or outdoor), including parks, playgrounds, golf courses, swimming pools, tennis courts, etc.

**614.3 SPECIAL PERMIT USES**

- (a) Day care centers
- (b) Government and other public buildings (including police, fire, library, museum, and postal facilities)
- (c) (Deleted 2016)
- (d) (Deleted 2010)
- (e) Medical care facilities, licensed
- (f) Places of worship
- (g) Schools, public and private, including nurseries, playgrounds, and related uses

Section 614 Older Person Residential (OPR) District

**614.4 AGE REQUIREMENT**

An age restriction enforcement plan shall be submitted with each subdivision or site plan application so as to ensure that all occupants of dwelling units conform to the age restrictions established for Housing for Older Persons. Such enforcement plans shall include:

- (a) the covenants, management regulations, or other similar legal instruments with enforcement by the property owner, homeowners association, or other private entity;
- (b) the identity of the private entity which shall be held responsible for any violation of the age restrictions for Housing for Older Persons;
- (c) a provision for an annual report to the Town of Berryville as to age status of the occupants of each unit; and
- (d) a provision which states that no person under nineteen (19) years of age shall reside in any unit for more than ninety (90) days in any calendar year.

**614.5 MAXIMUM DENSITY**

A Master Plan shall be submitted with a request for OPR zoning showing a general arrangement of uses and density for the subject property and all adjacent areas intended for OPR uses. The Master Plan shall show that the public service needs are no greater for the OPR uses than the public service needs for the uses planned for that sub-area. The number of average daily vehicle trips generated, the amount of sewage generated, the amount of water used, and demand on emergency services will be no greater with the proposed number of older person residential units and service uses than that generated by the maximum density of uses allowed by a property's land use designation. However, not more than two hundred (200) Older Person Residential units (including not more than one hundred eighty (180) multifamily units) shall be allowed in Annexation Area B as shown on approved subdivision plats or site plans. (10/16)

**614.6 MINIMUM DISTRICT SIZE**

Minimum district size: three (3) acres

**614.7 MAXIMUM BUILDING HEIGHT**

Maximum building height: forty (40) feet

**614.8 REGULATIONS FOR SINGLE FAMILY DETACHED DWELLINGS**

- (a) Minimum lot size: 7,500 square feet
- (b) Minimum lot width: 60 feet
- (c) Minimum yard requirements
  - (1) Front Yard: 20 feet
  - (2) Side yard: 10 feet, except for corner lots, the side yard facing the side street shall be 20 feet or more for both main and accessory buildings
  - (3) Rear yard: 40 feet
- (d) Accessory structures of less than 150 square feet: 5 feet from side and rear lot lines



Section 614 Older Person Residential (OPR) District

- 150 square feet: 5 feet from side and rear lot lines.
- (f) Where a lot is to be divided into individual lots for the sale of single family attached dwelling units:
1. Lot lines shall conform with party wall centerlines.
  2. Privacy yard, having a minimum of two hundred (200) square feet, shall be provided on each lot.
  3. Privacy yards shall include screening, fencing, patio paving and/or special landscaping treatment.
- (g) Open Space Requirements
1. An open space plan shall be submitted with a site plan application.
  2. 25% of the net site area shall be open space dedicated to common usage and ownership.
  3. At least 20% of the required open space (5% of the net site area) shall be designed and developed as recreational and active community open space.
  4. Refer to Section 615.2 regarding critical environmental area and open space requirements.
- (h) Site Plan Requirements
1. A site plan, which shall govern all development, shall be submitted for approval per Section 6.
  2. Site plans shall include provisions for:
    - A. Adequate public facilities, development phasing.
    - B. Storm water management facilities to address the ultimate development coverage within the district, lighting and signing.
    - C. Building placement and lot configuration, screening, buffering, and landscaping, and other special site features and land use considerations deemed necessary to serve the district.
    - D. Any site plan application which is not in strict conformance with a pre-existing approved master plan for the district shall require an amendment to that master plan and preliminary plat, if necessary, prior to site plan approval of the specific use.
    - E. All uses shall be subject to final site plan approval.
- (i) Parking and parking access
1. The number of required off-street parking spaces shall be a total of 1.5 per unit and shall be located not more than one hundred (100) feet from the individual dwelling served.
  2. Parking bays shall be no closer than twelve (12) feet to any adjoining property line.
  3. Off-street parking spaces shall be accessed via private driveways and shall not be directly accessed from public rights of way.
- (j) Driveways
1. Attached dwelling units shall have access to a private driveway with a minimum width of twenty-three (23) feet. The paved street shall be constructed according to Virginia Department of Transportation standards.
  2. No attached dwelling unit may be accessed directly from a public street unless approved by a special use permit.

Section 614 Older Person Residential (OPR) District

3. No private driveway shall be located within twelve (12) feet of any property line.
- (k) Setback, yards, buffering, separation and grouping of units
1. Where adjacent properties are zoned to a district other than the OPR District, all single family attached dwellings shall be set back at least forty (40) feet from the common property line(s).
  2. Where single family attached dwellings are adjacent to a private drive, parking area, and/or walkway intended for the common use of the development's occupants, there shall be a minimum building setback of 15 feet from that drive, area, and/or walk.
  3. Adjacent groupings of single family attached dwellings with their accompanying lots shall be separated from one another by a minimum of fifteen (15) feet. This separation shall allow an unobstructed fire lane on all sides of the structure.
  4. No more than four attached dwellings shall be included in any one physically contiguous grouping.
- (l) Maintenance of improvements, covenants and required improvements
1. All common improvements (including open space, recreational facilities, private streets, walkways, parking areas, and other community facilities) shall be maintained by and be the sole responsibility of the property owner until such time as the owner conveys such common area to a nonprofit (homeowner's) entity consisting of at least all of the individual owners of the dwelling units in the development.
  2. Deed restrictions and covenants shall be included with the conveyance to include, among other things, that assessments, charges and costs of maintenance of such common areas shall constitute a pro-rate share lien upon the individual dwelling lots, such lien inferior only to taxes and recorded trusts. Covenants shall specify the means by which the nonprofit entity shall govern and manage itself and maintain building exteriors, landscaping, lighting, recreation areas, walkways, parking areas, snow removal, and travel ways.
  3. All deed restrictions, covenants, nonprofit (homeowner's) entity incorporation documents, and information related to conveyance programs shall be submitted with the plat and plans, and reviewed by the Berryville Town Attorney.
- (m) General Regulations
1. All refuse shall be contained in completely enclosed and screened facilities.
  2. On-site lighting, signing, and mailboxes shall be of compatible scale, materials, and colors to the primary structures.
- (n) Condominiums
1. Any condominium development under the Condominium Laws of Virginia shall be subject to the following provisions:
    - A. Minimum lot size and yard and open space requirements of the district shall be met as if lot lines existed.

Section 614 Older Person Residential (OPR) District

- B. A site plan shall be required and subject to review by the Berryville Area Development Authority. The site plan shall govern the location of all structures and improvements.
- C. Setbacks, density and other district provisions shall be met.

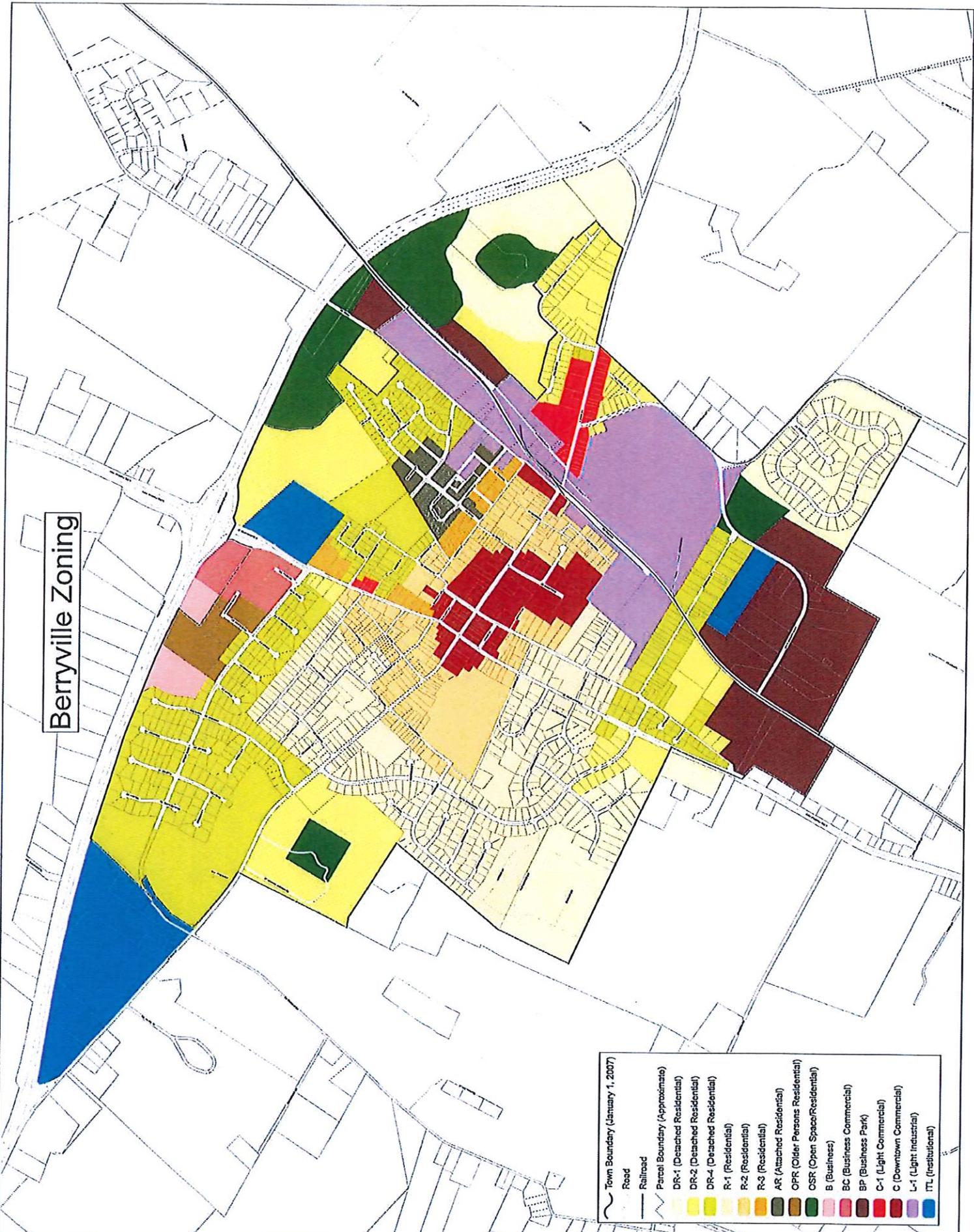
**614.11 REGULATIONS FOR MULTI-FAMILY AND NON-RESIDENTIAL USES:**

- (a) Maximum Floor Area Ratio (FAR): .60 of net developable area
- (b) Minimum lot area: 20,000 square feet
- (c) Minimum lot width: 100 feet
- (d) Minimum yard requirements
  - Front yard: 25 feet
  - Side yard: 25 feet
  - Rear yard: 25 feet
- (e) Where a lot is contiguous to a property located in any residential district, a public right of way with limited access or a railroad right of way, all buildings shall have minimum setback of forty (40) feet from common property lines.
- (f) Open Space
  - 1. A landscape and buffer plan shall be submitted with any application for site plan approval.
  - 2. At least twenty-five percent (25%) of the gross site area shall be landscaped open space.
  - 3. Refer to Section 615.2 regarding critical environmental area and open space requirements.
- (g) Site Plan Requirements
  - 1. A site plan, which shall govern all development, shall be submitted for approval per Section 6.
  - 2. Site plans shall include provisions for:
    - A. adequate public facilities, development phasing, stormwater management facilities to address the ultimate development coverage within the district, lighting and signing, building placement and lot configuration, screening, buffering, and landscaping, and other special site features and land use considerations deemed necessary to serve the district.
  - 3. Any site plan application which is not in strict conformance with a pre-existing approved master plan for the district shall require an amendment to that master plan and preliminary plat, if necessary, prior to site plan approval of the specific use.
  - 4. All uses shall be subject to final site plan approval.
- (h) Parking Access and Private Drives
  - 1. A minimum of one parking space per unit shall be provided and shall be located not more than one hundred (100) feet from the individual dwelling served.
  - 2. Off-street parking spaces shall be accessed via private driveways and shall not be directly accessed from public rights of way.
  - 3. Parking bays and private drives shall be no closer than twelve (12) feet to any adjoining property line.

Section 614 Older Person Residential (OPR) District

- (i) Buffering and Landscaping
  1. Where a parcel is contiguous to a residential zoning district or public right of way with limited access, a landscaped buffer strip fifteen (15) feet in width shall be provided.
  2. Landscape materials and their placement shall be subject to final site plan approval. With the approval of the administrative body, walls, fences, or wider buffer strips may be used in lieu of landscaping.
- (j) Storage of Materials and Refuse
  1. All refuse containers shall be screened by a solid wall or fence.
  2. Any establishment involved with the storage of any fuel for sale, for on-site use, or for any other purposes, shall be permitted only if the fuel is stored underground, except where otherwise permitted under provisions granted and stipulations required by the administrative body.
  3. All storage shall be conducted within the principal structure, which is to be completely enclosed.
  4. There shall be no outdoor storage and/or display of goods, with the exception of retail display such as plant materials associated with nurseries.
- (k) Uses, Facilities, and Improvements
  1. All business services (and storage) shall be conducted within the principal structure which is to be completely enclosed.
  2. Signing, mailboxes, site lighting and architectural materials shall be provided and installed by the property's owner-developer and shall be consistent and compatible with the scale and character of the development.
  3. Private driveways, street lighting, sidewalks, curbing and gutters, and parking bays shall be constructed to standards specified by the administrative authority or its agent.

# Berryville Zoning



- Town Boundary (January 1, 2007)
- Road
- Railroad
- Parcel Boundary (Approximate)
- DR-1 (Detached Residential)
- DR-2 (Detached Residential)
- DR-4 (Detached Residential)
- R-1 (Residential)
- R-2 (Residential)
- R-3 (Residential)
- AR (Attached Residential)
- OPR (Older Persons Residential)
- OSR (Open Space/Residential)
- B (Business)
- BC (Business Commercial)
- BP (Business Park)
- C-1 (Light Commercial)
- C (Downtown Commercial)
- L-1 (Light Industrial)
- ITL (Institutional)