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## 3rd Neighborhood Design District being considered

By BRIAN BREHM The Winchester Star

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City Council is expected to decide later this month whether to implement Winchester's third Neighborhood Design District (NDD).

At its business meeting on Tuesday night, council held a first reading of a proposal to add the Berryville Avenue NDD to Winchester's Comprehensive Plan. If the NDD is approved for the Berryville Avenue corridor in Ward 3, it would join the previously approved Cedar Valley NDD in Ward 4 and the Cider Hill NDD in Ward 1.

Council's plan is to create a NDD in each of the city's four wards. If the district along the Berryville Avenue corridor is implemented, Winchester Director of Community Development Mike Ruddy has said the fourth NDD to be pursued would be in Old Town.

Assuming that City Council approves the addition of the Berryville Avenue NDD to the Comprehensive Plan, Ruddy said the next step would be for council to approve zoning changes within the district. The revised zoning is intended to make it easier for developers of residential, retail and commercial enterprises to build within the district, which is proposed to be bounded by Frederick County to the north and east, Baker Lane to the west and the residential and commercial properties fronting Berryville Avenue to the south.

The ultimate goals of Winchester's NDDs are to focus future development to the districts themselves and create modern, walkable communities.

There are restrictions on the types of businesses and industries that can locate by right within a NDD and, at present, car washes, fuel companies and convenience stores with gas pumps are not among them. During the public comment portion of Tuesday's meeting, Jim Emmart of [Emmart Oil Co.](#), which operates [Bo's Xpress](#) convenience stores, and Richard Patch, the owner of Berryville Plaza Shopping Center on Berryville Avenue, expressed support for the Berryville Avenue NDD's creation as long as their businesses currently located there would be allowed by right and not require a conditional-use permit (CUP) to operate.

Similar statements were made by attorney Jennifer Kittlaus, who represents [H.N. Funkhouser and Co.](#) and the firm's chain of [Handy Mart](#) convenience stores, and Realtor Gillian Greenfield, who has a client that owns commercial property on the Berryville Avenue corridor.

"They just want to make sure that whatever district is put in place, they can continue to operate as they have and that they can expand their uses if they need to," Kittlaus said in reference to the existing businesses along the Berryville Avenue corridor that are owned by fuel providers.

Ruddy said the specific nature of allowable businesses in the Berryville Avenue NDD will be sorted out during property rezonings that would occur once the district has been added to the Comprehensive Plan. He said concerns of a similar nature were previously voiced by commercial property owners in the Cider Hill NDD, and the city responded by ensuring their existing operations would be allowed to continue.

"We're anticipating August, September is when that would come back through," Ruddy said of the anticipated Berryville Avenue NDD rezonings. "Very specifically, it will address most of the concerns we've heard from the stakeholders. ... I think we're heading in the right

direction."

Ultimately, Ruddy said the Berryville Avenue NDD, if approved, would make the Berryville Avenue corridor more of a community and less of a place that caters to passing drivers on Interstate 81 who want to buy gas or go to one of the street's fast-food restaurants.

"I think there's really some exciting things that could happen," Councilor Kim Herbstritt said.

Council is expected to vote on whether to add the Berryville Avenue NDD to the Comprehensive Plan at its next meeting on June 23.

In other business at Tuesday's meeting in Rouss City Hall, City Council:

- Voted 8-0 to approve a financial incentive for the developers of The Zeropak, an affordable apartment complex that recently opened in Winchester's North End. The incentive, which was first proposed in 2021 when the Zeropak project was still in the planning stages, will provide Zeropak Owner LLC with real estate tax breaks for the next 15 years. Winchester Economic Development Director Jeff Buettner said the amount of taxes paid this year by The Zeropak will be used as a base line, and if annual tax payments exceed that base line over the next 15 years, the difference will be rebated to the developers. Documents presented to City Council state that the Zeropak building, a former apple processing and storage warehouse, had been mostly vacant since 1997, so its renovation into a complex with 121 affordable apartments means the property will be generating significant tax revenues for the first time in 29 years. Council's ninth member, Chip Newcome, did not vote on the issue because he was absent from Tuesday's meeting.
- Held a first reading of a Winchester Economic Development Authority proposal to create two tourism zones that would include every Neighborhood Development District created by council. Establishment of tourism zones would unlock financial benefits and grants for the development of tourism-related businesses within them, including hotels, restaurants, retail stores, facilities for sports and meetings, outdoor recreation areas, theme parks and event venues.
- Held a first reading of a potential update to the city's CUP requirements that would dispense with the need to obtain a council-issued permit when the ground floor of a building in a Central Business (B-1) zoning district is converted to residential use, assuming the property was originally constructed for residential purposes.
- Met in executive session for 49 minutes to consult with City Attorney Melisa Michelsen about nonprofits in the city that are exempt from paying local taxes. Herbstritt, executive director of the nonprofit Blue Ridge Habitat for Humanity, recused herself from participating in the session, and no action was taken following the closed-door conversation.

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Reporter

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