

BERRYVILLE AREA DEVELOPMENT AUTHORITY

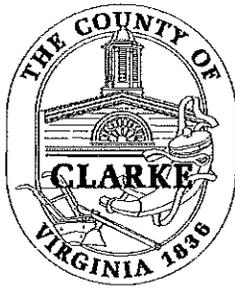
AGENDA

Wednesday, October 19, 2016 -- 7:00pm

**Berryville – Clarke County Government Center Main Meeting Room
101 Chalmers Court – Berryville, Virginia**

1. **Call to Order – Allen Kitselman, Chairman**
2. **Approval of Agenda**
3. **Approval of Minutes – May 4, 2016**
4. **Set Public Hearing –
Berryville AL, LLC, Owner (Jon Erickson, MRA, Inc., Agent) is requesting Site Plan approval in order to construct a 73-bed assisted care facility as a use permitted under Section 611.2(o) of the Berryville Zoning Ordinance located on Tax Map Parcel numbers 14A714-1, 14A714-1A, 14A714-1B zoned B Business and DR-4 Detached Residential.
SP 01-16**
5. **Other Business**
6. **Adjourn**

Next Meeting November 30, 2016 at 7:00pm



BERRYVILLE AREA DEVELOPMENT AUTHORITY
DRAFT MINUTES - REGULAR MEETING
Wednesday, May 4, 2016 at 7:00pm
Berryville-Clarke County Government Center – Main Meeting Room
101 Chalmers Court – Berryville, Virginia

A meeting of the Berryville Area Development Authority (BADA) was held on Wednesday, May 4, 2016. Chair Kitselman called the meeting to order at 7:00pm.

ATTENDANCE

Authority Members Present: Allen Kitselman, Chair; Kathy Smart; Frank Lee; George L. Ohrstrom, II; Warren Dilandro

Authority Members Absent: Wingate Mackay-Smith, Vice Chair

Staff present: Christy Dunkle, Berryville Assistant Town Manager; Brandon Stidham, County Planning Director

APPROVAL OF AGENDA

The Authority voted to approve the agenda as presented.

Yes: Ohrstrom (seconded), Smart (moved), Dilandro, Kitselman, Lee, Smart

No: No one

Absent/Not Voting: Mackay-Smith

APPROVAL OF MINUTES

The Authority voted to approve the minutes of the January 20, 2016 meeting as presented.

Yes: Ohrstrom (moved), Smart, Dilandro, Kitselman, Lee (seconded), Smart

No: No one

Absent/Not Voting: Mackay-Smith

REVIEW – ROBERT REGAN HOUSE PRELIMINARY SITE PLAN

Ms. Dunkle provided a brief overview of the preliminary site plan request noting that the application was filed in March and proposes a 60 unit multifamily senior housing facility and 44 quadplex residential units, the latter of which are not part of this site plan review. She said that the Town Planning Commission has scheduled a public hearing later in the month for the corresponding special use permit application and that the BADA is being asked to review the preliminary site plan this evening. She noted that review comments were provided to the Applicant but the Applicant has not responded to the comments. She added that the

Applicant may propose to modify the application. She said Staff recommends that the BADA take no action on the request this evening as the review is incomplete at this time.

Chair Kitselman recognized the Applicant, Alton Echols (400 Custer Court, Berryville), and indicated that he had five minutes to discuss his application. He also asked the Applicant to address whether he planned to withdraw his application to construct 60 units and re-file an application proposing 120 units.

Mr. Echols referenced a document that he distributed to the members showing a public water and sewer fee comparison of a 60 unit facility versus a 120 unit facility. He stated that a 120 unit facility with individual meters would produce \$13,024 per unit. He added that the 120 unit facility proposal should be revisited by the BADA, Town Council, and the Board of Supervisors, and he quoted the projected tax benefits with the proposal. Chair Kitselman recommended that he withdraw his application for 60 units and re-file the 120 unit proposal. Mr. Echols indicated that he would take this under advisement.

Mr. Ohrstrom noted that the Town and County have established rules in place and that it is not in their planning purview to ensure that developers make a profit on their projects. Mr. Echols returned to the podium and stated that the Methodist housing project was a non-profit project and the Marlyn proposal was nearly non-profit. Mr. Ohrstrom replied that the rules have to be followed and that it is not in their purview to determine whether a proposal is economically feasible. Mr. Echols stated that no rationale has been found for the current Older Persons Residential (OPR) numbers and that no multi-family projects have been constructed in Berryville in 40 years aside from Mary Hardesty House. He said that this is exclusionary zoning and no one wants to be a part of exclusionary zoning unless done out of ignorance.

Chair Kitselman said to Mr. Echols that if he wants to change the tap fees, he needs to submit a proposal to Town Council. Mr. Echols responded that he met with the Public Works Committee previously about tap fees. Mr. Kitselman replied that he left the meeting after the Committee told him that he needs to submit a proposal. Mr. Echols responded that he is through with obstacle courses and that he is going to educate County residents on how much the County spends to take care of farmers.

Mr. Dilandro said that the materials in the meeting packet are different from the proposal being discussed this evening and that he is confused because Mr. Echols previously withdrew the 120 unit proposal. Ms. Dunkle stated that the 60 unit proposal is what Mr. Echols has now submitted and she explained the timeline of events. Mr. Dilandro said that we should be discussing the 60 unit proposal and added that there is something wrong with how we are approaching this issue. Mr. Echols stated that he would take the Chair's advice on withdrawing the 60 unit proposal and re-filing the 120 unit proposal.

OTHER BUSINESS

Ms. Dunkle noted that the construction of Hermitage Section 5 will be starting up in the near future. Mr. Ohrstrom asked what construction project is taking place at the intersection of Route 7 and Route 7 Business on the east end of town. Ms. Dunkle said that this is an farm access road that is being installed for the Friant property across the Audley property, and that the easement for this access was recorded last year.

ADJOURN

There being no further business, Chairman Kitselman asked for a motion to adjourn. Ms. Smart moved, seconded by Mr. Ohrstrom, to adjourn the meeting. The motion passed by voice vote and the meeting was adjourned at 7:19p.m.

Allen Kitselman, Chair

Brandon Stidham, Clerk

Berryville AL, LLC, Owner (Jon Erickson, MRA, Inc., Agent) is requesting Site Plan approval in order to construct a 73-bed assisted care facility as a use permitted under Section 611.2(o) of the Berryville Zoning Ordinance located on Tax Map Parcel numbers 14A714-1, 14A714-1A, 14A714-1B zoned B Business and DR-4 Detached Residential. SP 01-16

Berryville AL, LLC has purchased this 9.4 acre parcel from A. C. Echols, Jr., Trustee. The use is considered a licensed medical facility under Section 611.2(o) of the Berryville Zoning Ordinance.

The BADA reviews site plans as well as building elevations in Annexation Area B. The site plan will be reviewed for conformance to a number of zoning ordinance requirements including Section 314 Site Development Plans; parking; signage; and those established in Section 611. The items that shall conform to Section 611 regulations include building height and setbacks; open space; landscape buffers; refuse and storage areas; and provisions for items such as adequate public facilities; stormwater management facilities; lighting; and building placement. Town Planning and Public Works staff have made initial comments and forwarded those to the consulting engineer who will conduct a thorough review of the development.

The Virginia Department of Environmental Quality (DEQ) manages the Town's stormwater management permitting and review. An initial submission of the site plan before you was reviewed in August of 2015. The items identified in the review letter (included with this packet) will be addressed by the applicant's engineer.

The following items are included in this packet:

- Land Development Application;
- A portion of the Site Development Plan currently under review by staff, consulting engineers, and other agencies;
- Initial review letter from DEQ concerning stormwater management dated August 28, 2015;
- Section 611 B Business of the Berryville Zoning Ordinance; and
- Section 314 Site Development Plans of the Berryville Zoning Ordinance.

Recommendation

Due to the Thanksgiving holiday, staff is recommending that a public hearing be set for November 30, 2016.

Per 9.28.16

LAND DEVELOPMENT APPLICATION TOWN OF BERRYVILLE

(Please print or type)

Current Property Owner BERRYVILLE AL, LLC
Owner's Address 1124 PARK WEST BOULEVARD, SUITE 101 MOUNT PLEASANT
Phone 843-345-0824 SC. 29466
Agent (Contact Person) JON ERICKSON
Agent's Address 43760 TRADE CENTER PLACE, SUITE 110 STERLING VA 20166
Phone 540-974-5334

Check Appropriate Request:

- Subdivision - creating more than 2 lots
- Minor Subdivision - single lot divided into 2 lots
- Boundary Line Adjustment
- Site Plan
- Rezoning
- Text Amendment: _____ Zoning or _____ Subdivision Ordinance
- ARB Certificate of Appropriateness
- Town of Berryville Utilities
- Other: _____

Complete As Applicable:

Nature of Request/Proposal: 73 BED ASSISTED CARE FACILITY
Tax Map & Parcel Number(s): 14A714-1, 14A714-1A, 14A714-1B
Size of Project Site: 9.4 AC
Proposed # of Lots: N/A Existing Zoning B & DR-4

Owner or Agent: The information provided is accurate to the best of my knowledge. I understand that the Town may deny, approve, or conditionally approve the request for which I am applying. I certify that all property corners have been clearly staked and flagged.
Signature: [Signature] Date: 9/26/16

Owner: I have read this completed application, understand its intent, and freely consent to its filing. Furthermore, I grant permission to the Town Planning Department and other government agents to enter the property and make such investigations and tests, as they deem necessary. I acknowledge that in accordance with Article X of the Subdivision Ordinance I am responsible for costs incurred for review of subdivision and/or development plans by the Town's engineer and that any other required tests or studies will be carried out at owner/agent expense.

Signature: [Signature] Date: 9/27/16

OFFICE USE ONLY

Public Hearing Required? _____ Dates Advertised _____

Adjoining Property Owners Notified? _____

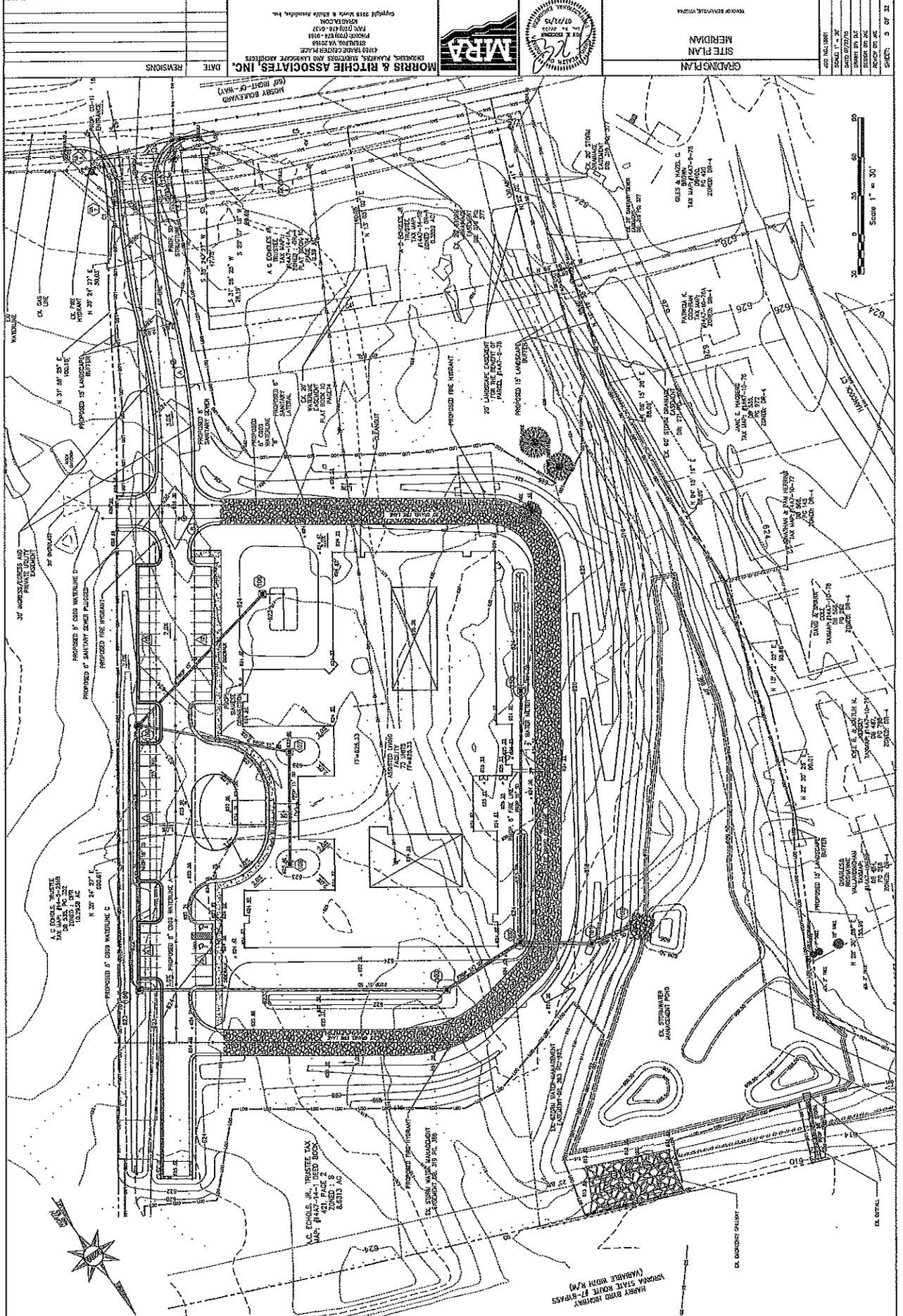
Action Taken: _____

DATE	07/27/75
SCALE	1" = 100'
PROJECT	GRADING PLAN
CLIENT	MORRIS & RITCHE ASSOCIATES, INC.
DESIGNED BY	...
CHECKED BY	...
APPROVED BY	...

GRADING PLAN
SITE PLAN
MERIDIAN

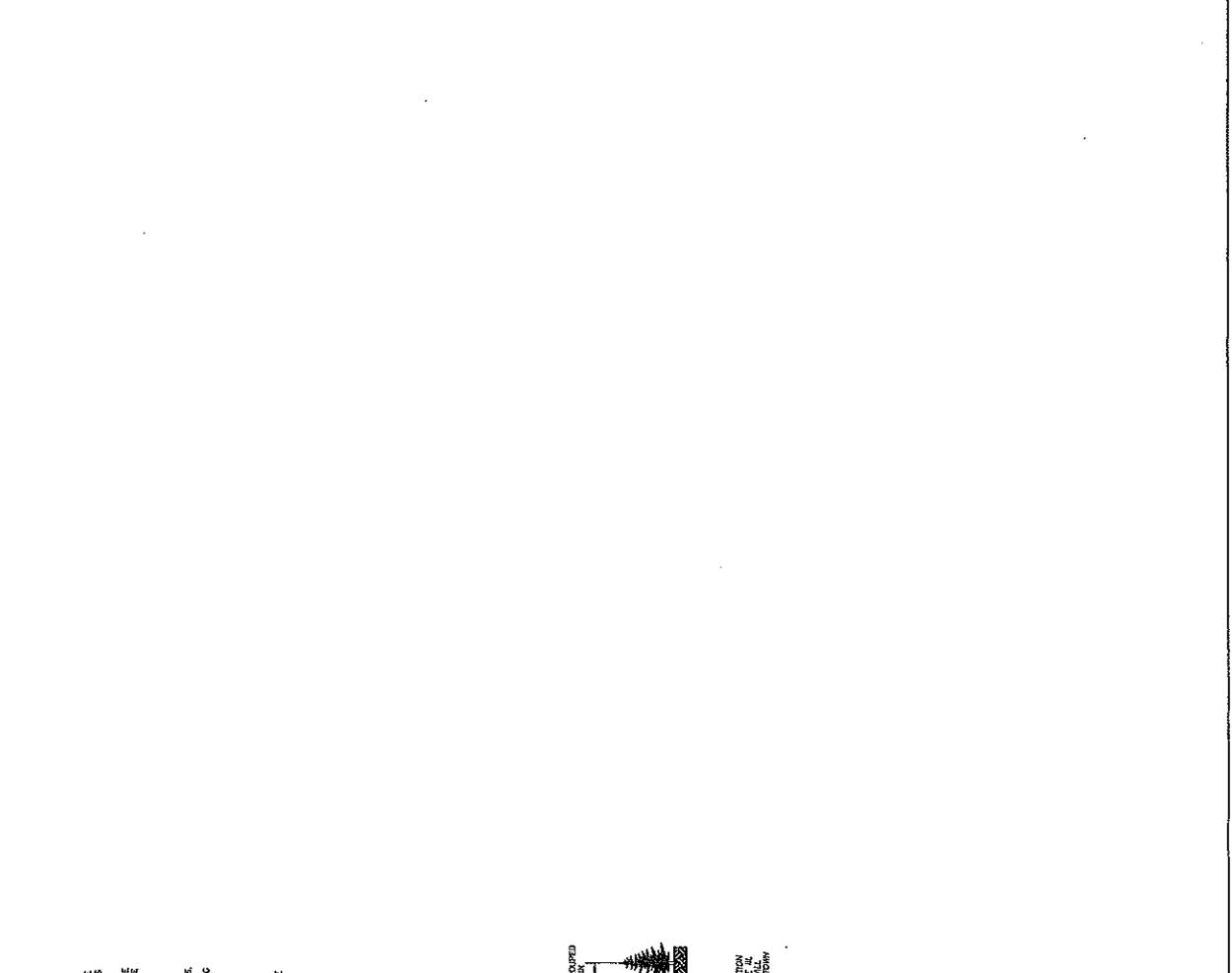


MORRIS & RITCHE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
4379 FRANKLIN AVENUE
SUITE 200
DENVER, COLORADO 80216
TELEPHONE: 333-1111
FAX: 333-1111
Copyright 1975 Morris & Ritchie Associates, Inc.



HARRY BIRD BOULEVARD
(PARALLEL STATE ROUTE 87-BYPASS)

DATE REVISIONS

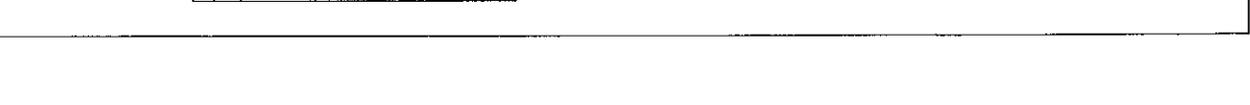


LANDSCAPING NOTES:

1. ALL PLANT MATERIAL SHALL COMPLY WITH THE AMERICAN STANDARD FOR PLANT MATERIALS (ASTM) AND THE NATIONAL FLORICULTURAL ASSOCIATION (NFA) STANDARDS. PLANTS SHALL BE WELL FORMED, WINDPROOF, HEALTHY AND FREE OF DISEASE, SUNSCALD, WOUNDING AND INSECTS OR FUNGI.
2. NO SINGLE SPECIES OF TREES OR SHRUBS SHALL COMPOSE MORE THAN 1/3 OF THE TOTAL NUMBER OF TREES OR SHRUBS TO BE PLANTED.
3. NO TREE, SHRUB, HERB OR EXISTING VEGETATION SHALL BE REMOVED UNLESS IT IS DETERMINED THAT IT INTERFERES WITH THE PROPOSED SOFT DISTANCE.
4. MISS UTILITY MUST BE CONTACTED PRIOR TO PLANTING. ADVISE PROPERTY OF RECORD OF ANY CONDUITS IN THE SOFT DISTANCE AND ALL THESE STATE LOCATIONS MUST AND UTILITIES TO BE PLANTED.
5. LANDSCAPER SHALL USE SHREDED MULCH IN ALL PLANTING AREAS TO MAINTAIN MOISTURE AND TO MAINTAIN OVERLAND DRAINAGE TO THE CURB.
6. PLANT SUBSTITUTIONS, ADDITIONS OR CHANGES WILL BE ALLOWED WITH THE APPROVAL OF THE OWNER AND THE TOWN OF BEVERLY HILLS.
7. LANDSCAPER SHALL MAINTAIN OVERLAND DRAINAGE TO THE CURB.
8. INTERIOR PARKING LOT SHRUBS TO BE COORDINATED BY LANDSCAPING CONTRACTOR AND APPROVED BY THE TOWN OF BEVERLY HILLS.

Key	Symbol	Quantity	Botanical Name (Common Name)	Min. Size
LC		30	Large Deciduous Tree (Common Name)	2" Cal.
SH		NA	Shrub to be selected from the following: Juniperus communis Larix laricina Thuja occidentalis	3' Height

Key	Symbol	Quantity	Botanical Name (Common Name)	Min. Size
LC		30	Large Deciduous Tree (Common Name)	2" Cal.
SC		15	Small Deciduous Tree (Common Name)	2" Cal.
SV		30	Shrub to be selected from the following: Juniperus communis Larix laricina Thuja occidentalis	3' Height
SH		30	Shrub to be selected from the following: Juniperus communis Larix laricina Thuja occidentalis	3' Height





COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

www.deq.virginia.gov

Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

August 28, 2015

Via Electronic Mail

Sam Levin
MCL Partners
156 Spanish Point Dr.
Beaufort, SC 29902
sam.levin234@gmail.com

Re: Meridian Healthcare
Berryville, Virginia
DEQ SWM #: VRO-15-185
Stormwater Management (SWM) Plan

Dear Mr. Levin:

The Department of Environmental Quality (DEQ) has reviewed the above referenced stormwater management plan received on July 28, 2015 for conformance with the *Virginia Stormwater Management Program (VSMP) Law & Regulations*. We offer the following comments:

1. The design plans call for alteration of an existing stormwater pond on the site. Please indicate if any existing maintenance agreements, deed restrictions, or other legal arrangements for the existing pond will have to be amended, replaced, repealed, or otherwise altered.
2. The "Project Description" on Sheet 12 of 32 states that one single family residence and an associated gravel driveway are currently located on the property. The site also includes an existing stormwater BMP. The VRRM spreadsheet for new development has been used for calculations for the project. Please clarify if the project will be new development or re-development and made any necessary corrections.
3. Please include details for the riser structure and outfall of the extended detention basin and indicate in the design plans if the design of the stormwater facility will include the recommendations from the "Conclusions and Recommendations" Section of the "Report of Geotechnical Exploration" dated June 22, 2015 (included with the plan submission).
4. The "Conveyance System Protection" calculations included on Sheet 15 of 32 include multiple values for " q_{post} " and it is not clear if the Energy Balance balance equation has been satisfied. Please make clarifications as necessary.
5. Please indicate any precautions that will be taken during construction to prevent sedimentation of permanent stormwater BMPs and add this information to the E&S plan as necessary.

6. The following typos were noted in the plans:
- a. "Sheet XX," twice in the "Stormwater Management Computations" on Sheet 15 of 32
 - b. The wrong specification is referenced for Bioretention in Note #2 of the "Bioretention Basin Typical Section Detail."

The preceding comments must be addressed before DEQ can continue the stormwater management plan review and approval process. The re-submittal should include a copy of these comments with responses to each item listed above as well as the referenced page number or sheet number where the requested information can be found. A revision cloud should be used to clearly indicate all stormwater management plan revisions. Two (2) copies of the re-submittal package should be submitted to DEQ for review and approval at the following address:

Postal Mail
Department of Environmental Quality
Attn: Stormwater Plan Review Coordinator
P.O. Box 1105
Richmond, Virginia 23218

FedEx, UPS, Hand Delivery
Department of Environmental Quality
Attn: Stormwater Plan Review Coordinator
629 East Main Street
Richmond, Virginia 23219

This letter is intended to provide information on what information DEQ believes is needed in order to fully evaluate your stormwater management plan and is not a final determination or case decision under the Administrative Process Act. In the event that discussions with staff do not lead to a satisfactory resolution of the contents of this letter, you may elect to participate in DEQ's Process for Early Dispute Resolution. For further information on the Process for Early Dispute Resolution, please see Agency Policy Statement No. 8-2005 posted on the Department's website under "Programs", "Water", "Permitting & Compliance" at the following address: http://www.deq.virginia.gov/Portals/0/DEQ/Enforcement/Guidance/process%20for%20early%20dispute%20resolution%20no8_2005.pdf.

Please contact me at (540) 562-6758 or hannah.cardwell@deq.virginia.gov if you have any questions about this letter.

Sincerely,



Hannah B. Cardwell
Stormwater Compliance Specialist

cc: Alton Echols, Jr. (aecholsjr@gmail.com)
Jon Erickson, Morris & Ritchie Associates (jerickson@mragta.com)
Christy Dunkle, Town of Berryville (planner@berryvilleva.gov)
Larry Gavan, DEQ-CO (larry.gavan@deq.virginia.gov)
Daniel Carawan, DEQ-CO (daniel.carawan@deq.virginia.gov)
Gary Flory, DEQ-VRO (gary.flory@deq.virginia.gov)
Cody Boggs, DEQ-BRRO (cody.boggs@deq.virginia.gov)

SECTION 611 BUSINESS (B) DISTRICT

611.1 PURPOSE AND INTENT

The Business (B) District is established to provide locations for a broad range of general business activities, particularly employment-related businesses, in a business park setting in the precincts of the Berryville Area Plan. The B District is established to encourage innovative design of employment related development; to these ends, development under this district will be permitted only in accordance with a site plan. The B District is intended to provide business “incubator” locations that allow one or more small businesses to operate in one or more buildings under common ownership.

The specific uses permitted within the B District must be in harmony with the cultural and environmental character of the Town of Berryville. No use should be permitted that might be harmful to adjoining land uses or to the community at large. Adequate transportation and site planning of all land uses shall have the goal of minimizing traffic conflicts with all other activities within the Berryville Area.

611.2 PERMITTED USES

- (a) Antique sales (indoor only)
- (b) Auctions establishments (indoor only)
- (c) Automobile service and repair establishments (including gas stations) provided that all repair of vehicles takes place in a fully enclosed building
- (d) Bakeries (with retail sales as provided in Section 611.2(w) below) **(12/94)**
- (e) Broadcast stations, studios, and offices for radio and television
- (f) Churches and other places of worship
- (g) Cleaning of carpets and rugs
- (h) Clubs or lodges (including civic and public benefit organizations)
- (i) Conference centers
- (j) Contractors’ establishments
- (k) Financial institutions (with or without drive-through windows)
- (l) Government and other public buildings (including police, fire, library, museum and postal facilities; excluding retail and service uses, except as provided in Section 611.2(w))
- (m) Machinery sales and service
- (n) Manufacturing, processing, assembly or repair activities that are not objectionable because of smoke, odor, dust or noise, or result in air or water pollution levels above any local, State or Federal regulations **(12/94)**
- (o) Medical care facilities, licensed
- (p) Mini-storage facilities (indoor only)
- (q) Offices, business or professional
- (r) Plant nurseries
- (s) Printing and publishing
- (t) Public utilities and related easements
- (u) Recreation facilities (indoor or outdoor), parks, playgrounds, fairgrounds, etc.
- (v) Restaurants with or without drive-through

Section 611 Business (B) District

- (8/01) (w) Retail stores and shops as an accessory use to the primary permitted use on the parcel, provided:
 - (1) the retail store or shop is directly related, ancillary, subordinate, and incidental to the primary permitted use;
 - (2) the gross floor area of the retail store or shop (excluding storage) does not exceed 10% of the gross floor area of the primary permitted use;
 - (3) the gross floor area of the retail store or shop (excluding storage) does not occupy more than 1,500 square feet; and
 - (4) the gross floor area for storage related to the retail store or shop does not exceed 500 square feet.
- (x) Schools, public and private, academic and vocational
- (y) Warehousing and distribution establishments
- (z) Wholesale trade and distribution establishments
- (aa) Veterinary hospitals (small animals), exclusive of outdoor boarding kennels

611.3 SPECIAL PERMIT USES

- (a) Day care centers
- (b) Pharmaceutical centers **(5/06)**
- (c) Scientific research and development establishments
- (d) Lumber yards and building materials establishments

611.4 MAXIMUM DENSITY

The maximum density shall not exceed a floor area ratio (FAR) of .30 based on the net developable area of the lot.

611.5 MINIMUM DISTRICT SIZE

Minimum district size: four (4) acres

611.6 LOT REQUIREMENTS

- (a) Minimum lot area: 20,000 square feet
- (b) Minimum lot width: 100 feet

611.7 BUILDING HEIGHT AND SETBACK REGULATIONS

- (a) Maximum building height: 40 feet
- (b) Minimum yard requirements
 - (1) Front yard: 40 feet
 - (2) Side yard: 25 feet (40 feet on lot)
 - (3) Rear yard: 25 feet
 - (4) Rear yard requirements may be reduced where that rear yard abuts a railroad right-of-way.
 - (5) Where a lot is contiguous to property located in any residential district, all buildings shall have a minimum setback of forty (40) feet from common property lines.

611.8 OPEN SPACE

- (a) A landscape and buffer plan shall be submitted with any application for site plan approval.
- (b) Fifteen (15) percent of the gross site area shall be landscaped open space.

611.9 ADDITIONAL REGULATIONS

(a) Parking, Streets and Access

- (1) All parking requirements shall be met by off-street, on-site spaces and shall include designated spaces for the handicapped.
- (2) The location, spacing and number of private driveway entrances shall comply with Virginia Department of Transportation standards and shall be subject to final site plan approval.
- (3) Off-street parking spaces shall be accessed via private driveways and shall not be directly accessed from public rights-of-way.
- (4) Public streets within or immediately adjacent to the B Zoning District shall be constructed to industrial road standards if determined necessary by the administrative body. Sidewalks may be required on such street if determined necessary by the administrative body.

(b) Buffering and Landscaping

- (1) Where a parcel in the B District is contiguous to a residential zoning district, or a public right-of-way of sixty (60) feet or more, a landscaped buffer strip fifteen (15) feet wide shall be provided. Such a buffer strip shall include any combination of masonry or wooden walls or fences and/or evergreen shrubs that provide an opaque visual buffer at least six (6) feet high within six (6) months of occupancy of a parcel.
- (2) Where a parcel in the B District is contiguous to another non-residential zoning district, a landscaped buffer strip ten (10) feet in width shall be provided.
- (3) Landscape materials and their placement shall submit 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.
- (4) Common property ownership agreements and covenants shall be reviewed and approved by the administrative body.

(c) Storage of Materials and Refuse

- (1) All refuse containers shall be screened by a solid and opaque 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) The outdoor area devoted to storage, loading and display of goods shall be limited to that area so designated on an approved site plan.
- (4) Outdoor storage for any use in the B zoning district shall be completely enclosed within solid and opaque masonry, metal or wooden fences at least six (6) feet in height.
- (5) No material or equipment within an outdoor storage area shall be visible from any public right-of-way or any parcel in a residential zoning district.

(d) Uses, Facilities and Improvements

- (1) All business activities 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.

Section 611 Business (B) District

- (3) Private streets, street lighting, sidewalks, curbing and gutters, and parking bays shall be constructed to standards specified by the administrative authority or its agent.
- (e) Site Plan
 - (1) A site plan that shall govern all development shall be submitted for approval.
 - (2) Site plans shall include provisions for:
 - (A) Adequate public facilities;
 - (B) development phasing;
 - (C) stormwater management facilities to address the ultimate development coverage within the district;
 - (D) lighting and signing;
 - (E) building placement and lot configuration; and
 - (F) 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 the pre-existing approved site plan for the district shall require an amendment to that site plan and preliminary plat prior to site plan approval of the specific use.
 - (4) All uses shall be subject to final site plan approval.

SECTION 314 – SITE DEVELOPMENT PLANS (1/93)

314 INTENT

The purpose of these requirements is to promote the orderly development of certain activities in the Town and to ensure that such activities are developed in a manner harmonious with surrounding properties and in the interest of public health, safety, and welfare. The site plan shall be used to review a project's compatibility with its environment; to review the ability of proposed traffic circulation systems to provide for safe and convenient movement of vehicles and pedestrians; to review the quantity, quality, utility, and type of the project's community facilities; and to review the location and adequacy of the provision for drainage and utilities.

314.1 WHEN REQUIRED

(a) The provisions of this Section shall apply to all buildings, structures, or uses as noted in the Ordinance. Districts and uses which require a site plan include, but are not necessarily limited to, the following:

<u>Districts</u>	<u>Uses</u>
I Limited Industrial	Shopping Centers
L-1 Industrial	Townhouses
C General Commercial	Apartments
C-1 Commercial	Condominiums (in A-R District
C-2 Commercial	Industrial
M-R Multi-family Residential	Retail
B Business	Offices
BC Business Commercial	
BI Business Industrial	
ITL Institutional	

(b) A site plan shall also be submitted when a change of use of an existing structure requires additional parking or other significant external improvements.

314.2 WAIVER OF REQUIREMENTS

(a) Any requirement of this Section may be waived by the Agent where the waiver is not inconsistent with the intent of this Section, and the applicant establishes that an undue hardship would result from a strict enforcement of this Section, or that the requirement is unreasonable.

(b) The Agent may waive the requirements for site plan review for additions to buildings, structures, and uses if, in his/her opinion, such addition does not substantially affect the intent of this Section.

314.3 ADMINISTRATION

The administration and enforcement of this Ordinance shall be vested in the Berryville Town Council.

(a) Administrative Bodies

Section 314 – Site Development Plans

1. The Town Council hereby designates the Berryville Area Development Authority (BADA) as the Administrative Body for property within Annexation Area “B”, as defined in the County/Town Agreement Defining Annexation Rights, which is the subject of the application and for which no final Certificate of Occupancy has been granted.
2. In all other areas of Town, as well as for those plans involving property in Annexation Area “B” for which a final Certificate of Occupancy has previously been granted, the Town Council hereby designates the Berryville Planning Commission as the Administrative Body.
3. The BADA and Planning Commission are delegated the power to administer this Section within their respective jurisdictions, reviewing and approving or disapproving site plans as appropriate. The Administrative Bodies may accept comments from the Town of Berryville, the County of Clarke, and other applicable public agencies when reviewing site plans.

(b) Agent

The Planning Commission may act through the Berryville planning staff, and the BADA through the Berryville planning staff or the Clarke County planning staff (the “Agent”), to the extent the Administrative Bodies find it appropriate for the administration of this Section; provided that no agent may act for the Administrative Bodies in approving, conditionally approving, or disapproving any site plan. The Agent shall be responsible for the processing of site development plan applications, subject to the procedures provided herein.

(c) Inspection

All government officers and employees responsible for the enforcement of this Section shall have the right to enter upon any property at all reasonable times during the period of construction for the purpose of making inspections for compliance with this Section. It shall be the responsibility of the developer to notify the Agent when each stage of the development is ready for inspection for compliance with the site plan as approved by the Administrative Body. The developer shall make one (1) set of the approved site plan available at the site at all times during construction.

314.4 PROCEDURES

(a) Pre-Application Conference

All applicants shall first submit a sketch plan and request a pre-application conference with the Agent to discuss the basic site development scheme, basic ordinance requirements, and preliminary features of the proposed development as they relate to this Section.

(b) Application

1. Application for approval of a site development plan shall be made by submitting an application form, fifteen (15) copies of the site plan, and the applicable fee, to the Agent.
2. The Agent shall review the submitted materials to determine if the basic requirements of this Section have been met. If in conformance, the application shall be accepted for filing, and shall be forwarded to the Administrative Body.
3. The Agent shall forward copies of the site plan to all applicable agencies and officials for written comments and recommendations. After receiving such

Section 314 – Site Development Plans

comments and recommendations, the Agent shall prepare a report for the Administrative Body.

4. The site plan and accompanying materials shall be available for public review in the Berryville town offices.
5. In addition to the fee set by the Town Council, the applicant shall also bear the costs of any professional services employed by the Administrative Body in reviewing the site plan.

(c) Action on Site Plan Application

1. Time Period – After receiving a complete application from the Agent, the Administrative Body shall consider the application at the next regular monthly meeting. Within one hundred (100) days of this first meeting, the Administrative Body shall act to approve, approve with conditions, or disapprove the site plan. Failure of the Administrative Body to act within this one hundred (100) – day period shall be deemed approval of the site plan unless an extension of the time period is agreed upon by the Administrative Body and the applicant.

(d) Public Notice and Hearings

Action on site plans not requiring an ordinance amendment is administrative and does not require public notice or hearings. However, the Administrative Body may provide public notice and hold public hearings on the site plan request, if it deems it desirable.

(e) Action by the Administrative Body

1. The Administrative Body shall approve the site plan if it finds that the plan meets the requirements of this Section; meets the intent of the Berryville Comprehensive Plan and/or its Berryville Area Plan component; and would promote the health, safety, and general welfare of the public.
2. The Administrative Body may condition approval of the site plan upon the applicant making certain changes or modifications to the plan, said conditions to be stated in writing by the Administrative Body.
3. The Administrative Body may disapprove a site plan, stating in writing the reasons for such disapproval.

(f) Appeals

Any applicant may appeal the decision of the Administrative Body by filing within thirty (30) days of the decision of the Administrative Body an appeal in writing to the Town Council of Berryville, Virginia.

(g) Site Plans Submitted with Special Use Permit Applications

Where a site plan is submitted with a Special Use Permit application as required in Section 503 of this Ordinance, the action of the Administrative Body shall be in the form of a recommendation to the Town Council. Town Council shall then consider the site plan in conjunction with the Special Use Permit request, as outlined in Section 503.

314.5 SPECIFICATIONS

Every site plan shall be prepared in accordance with the following specifications:

- (a) The scale shall be one (1) inch equals not more than fifty (50) feet.
- (b) All site plans shall be submitted on 24- by 36-inch sheets.

- (c) If the site plan is on more than one sheet, match lines shall clearly indicate where the sheets join.
- (d) Horizontal dimensions shall be in feet and decimals of feet to the nearest one-hundredth (1/100) of a foot.

314.6 CONTENTS

The site plan or any portion thereof involving engineering, urban planning, landscape architecture, architecture, or land surveying shall be prepared by qualified persons. Site plans shall be certified by seal and signature of an architect, engineer, or land surveyor licensed to practice by the Commonwealth of Virginia within the limits of their respective licenses. The site plan shall contain the following information, as applicable.

- (a) The proposed title of the project and the name of the engineer, architect, landscape architect, or surveyor; the name of the developer; and the name and address of the property owner.
- (b) A signature area for approvals by the chairman of the Administrative Body and the Agent.
- (c) Signature of the property owner.
- (d) North point, scale, and date.
- (e) Vicinity map at a scale of one (1) inch equals not more than two thousand (2,000) feet, showing the location of the project in relation to corporate limits, town streets, and other prominent features.
- (f) Existing zoning and zoning district boundaries for the property in question, and for immediately surrounding properties.
- (g) The present owner and use of all properties contiguous or directly across the street.
- (h) The boundaries of the property involved by bearings and distances, certified by a land surveyor licensed to practice in the Commonwealth of Virginia.
- (i) All existing property lines, existing streets, buildings, watercourses, waterways, lakes, and other existing physical features on or adjoining the property. Size and height of existing buildings on the property should be shown. Features on adjoining properties need only be shown in approximate scale and proportion.
- (j) Topography of the project area with contour intervals of two (2) feet or less.
- (k) Location and sizes of sanitary and storm sewers, gas lines, water lines, culverts, fire hydrants, and other above-ground or underground structures in or affecting the project, including existing and proposed facilities, and easements for these facilities.
- (l) The location, dimensions, name, and construction details (including typical sections) of proposed streets, alleys, driveways, and the location, type, and size of ingress and egress to the site. When proposed streets intersect with existing streets, both edges of existing pavement or curb and gutter must be indicated for a minimum of fifty (50) feet or the length of connections, whichever is greater.
- (m) The location of all off-street parking, loading spaces, and walkways, indicating the types of surfacing, size and angle of stalls, width of aisles, and a schedule showing the number of parking spaces.

Section 314 – Site Development Plans

- (n) The location, height, type, and material of all fences, walls, screen planting, and landscaping details of all buildings and grounds, and the location, height, and character of all outdoor lighting systems.
- (o) The location of all proposed buildings and structures, primary and accessory; number of stories and height; proposed general use of each structure; and the number, size, and type of dwelling units, where applicable.
- (p) Provision for the adequate disposition of natural and storm water indicating the location, sizes, types, and grades of ditches, catch basins, detention ponds (showing 10-year and 100-year elevations), and pipes and connections to existing drainage systems. Plans shall be in accordance with the Berryville Stormwater System Master Plan.
- (q) Provisions, plans, and schedules for the adequate control of erosion and sediment, in accordance with the Town of Berryville Erosion and Sediment Control Ordinance.
- (r) Proposed finished grading by contour, supplemented where necessary by spot elevations.
- (s) Floodplain studies as required by the Agent.
- (t) The location, size, height, materials used, orientation, and illumination of proposed signs.
- (u) The location, dimensions, and total area of proposed recreation, open space, and required amenities and improvements.
- (v) The location of all wooded areas on the site; the location of all other individual trees with a diameter of eight (8) inches or more, measured one (1) foot above the ground; and an indication of which trees are to be retained and which are to be removed.
- (w) A landscape plan (same scale as site plan), meeting the minimum landscape standards described below.
- (x) Development sequence for phased construction, if applicable.
- (y) Building restriction lines.
- (z) Distance to nearest school or school site.
- (aa) Elevation plans for all exterior facades of proposed structures, showing design features and indicating materials and colors to be used.
- (bb) Source of title of the owner of record, including deed book and page reference of the last instrument in the chain of title.
- (cc) Total site acreage of individual lots and street rights-of-way.
- (dd) Location and acreage to the nearest one-tenth (0.1) acre of Critical Environmental Areas, including the following: slopes between 15 and 25 percent; slopes greater than 25 percent; rock outcroppings; sinkholes; floodplains and floodplain soils; current drainage channels; bodies of water; stormwater management facilities; utilities; and other sensitive areas defined by the Agent. The Agent may require that a geotechnical report be submitted where warranted by soil or water conditions.
- (ee) Floor area ratio (FAR) and impervious surface coverage for all structures on the property.
- (ff) Maximum number of employees anticipated, if industrial, commercial, or office; net density of dwelling units, if residential.
- (gg) Anticipated daily and peak water demand and sewage flows for the site.

Section 314 – Site Development Plans

- (hh) Anticipated daily vehicle trips generated by the site development; capacity of existing and proposed streets; sight distances for all intersections; proposed improvements within existing street rights-of-way; further traffic studies as required by the Agent.
- (ii) A copy of all proposed homeowners' association by laws, and other covenants or maintenance documents where common ownership is anticipated.
- (jj) A copy of rezoning proffers, Special Use Permit conditions, or variances granted for the property shall be submitted with the site plan.
- (kk) Bond estimates for all required improvements.
- (ll) Any necessary notes required by the Agent to explain the purpose of specific items on the plan.
- (mm) Additional information as deemed necessary by the Administrative Body or the Agent.

314.7 IMPROVEMENTS AND MINIMUM STANDARDS

To further the intent of this Section and to protect public safety and general welfare, no site plan shall be approved until the Administrative Body is assured that improvements will be made which meet the following minimum standards:

- (a) Streets and Rights-of-Way
 1. Streets, driveways, access roads and rights-of-way shall be constructed and dedicated, and existing streets widened and improved as necessary, when the need for such streets and improvements is generated by the proposed development, or is indicated in the Berryville Comprehensive Plan and/or its Berryville Area Plan component.
 2. All street construction standards and geometric design standards shall be in accord with the standards of the Berryville Subdivision Ordinance, the Virginia Department of Transportation, or other standards provided by the Town of Berryville. However, the Authority or the Agent may modify standards for local, collector, and minor loop streets, provided that off-street parking sufficient to accommodate required parking ratios are provided to complement the street system, and approval of the modifications is obtained from the Virginia Department of Transportation, where applicable.
 3. All development must have direct access to public dedicated and State or Town-maintained roads. Sites or lots shall not have direct access to any arterial road, unless the physiography, shape, or size of the tract precludes other methods of access.
 4. Where traffic generated from an entire development exceeds 2,000 vehicle trips per day, such development shall provide connectors to existing public roads at two or more locations. Where only one connection is physically achievable, the connecting portion of the entrance road must be a four-lane divided road extending not less than two hundred fifty (250) feet into the development. No internal vehicular connection shall be permitted on this entrance section.
 5. Streets and rights-of-way shall permit access to adjoin properties in conformance with the Berryville Area Plan, Comprehensive Plan, and the satisfaction the Administrative Body or the Agent.

Section 314 – Site Development Plans

6. Travel ways designed for on-site two-way vehicular traffic circulation shall in no case have a pavement width of less than twenty (20) feet.

(b) Cul-de-Sacs

Cul-de-sacs shall be designed and constructed in accordance with the street standards of the Berryville Subdivision Ordinance, or with other standards provided by the Town of Berryville. Cul-de-sacs may not be used as parking areas.

(c) Parking

Parking bays shall be constructed to standards compatible with those of the adjoining public street, and shall be provided in a quantity according to the schedule set forth in the Berryville Zoning Ordinance. Off-street parking spaces shall be accessed via private travel ways, and not directly accessed from public rights-of-way.

(d) Sidewalks, Paths, and Walkways

Sidewalks, paths, and/or walkways shall be provided to enable the public to walk safely and conveniently from one building to another on the site, to and from adjacent sites, and to and from sidewalks in the public right-of-way. The construction material to be used must meet the approval of the Administrative Body or the Agent.

(e) Curb and Gutter

Curb and gutter (CG-6 or approved equivalent) shall be required on all new public streets. The Administrative Body may require curb and gutter on off-street parking areas, service drives, private streets, and around medians, where warranted by conditions. Upon recommendation from the Virginia Department of Transportation, the Administrative Body may waive the requirement for curb and gutter when in keeping with existing conditions on adjacent sites, and when safe travel and adequate stormwater management can be assured without curb and gutter.

(f) Utilities and Utility Easements

All utilities necessary to serve the proposed development shall be installed by the developer, and shall be installed underground in accordance with the adopted facilities plans of the Town of Berryville; provided however, that:

1. Equipment such as electric distribution transformers, switchgear, meter pedestals, and telephone pedestals, which are normally installed aboveground, may continue to be so installed;
2. Meters, connections, and similar equipment normally attached to outside walls may be so installed; and
3. Dedications of right-of-way easements shall be made for all utilities and facilities that are intended to be publicly maintained. Easements shall be clearly defined for the purposes intended. Minimum easement widths shall be as specified by the Administrative Body, the Agent, or utility company.

(g) Water and Sewer Systems

All water distribution and sewer collection systems shall be designed to accommodate normal and peak demand loads. All such systems shall be designed to meet or exceed the specifications of the Berryville Area Water and Sewerage Program. Regulations of the Virginia Department of Health and other state agencies shall also be met, as applicable.

Section 314 – Site Development Plans

(h) Stormwater Management

The stormwater runoff rate for a developed area shall be equal to or less than the runoff rate for the area prior to development. The policies and design criteria for meeting those goals are addressed in the Berryville Area Stormwater System Master Plan. Dedicated easements shall be provided for all facilities. As noted in the Master Plan, a pro-rata monetary contribution toward off-site drainage improvements may be substituted for on-site improvements, though only for those so designated in the Master Plan.

(i) Soil Suitability

The U.S. Department of Agriculture, Soil Conservation Service, shall be referred to for commenting on the suitability of soils for intended development, and on any special measures that are recommended for development on a certain soil classification. The applicant shall provide a generalized mapping of on-site soils and their engineering characteristics.

(j) Landscaping, Screening, Buffering

1. Where non-residentially zoned land is developed adjacent to land zoned for residential or open space uses, or where residentially zoned land is developed adjacent to a railroad or limited access highway, a landscaped buffer strip a minimum of ten (10) feet wide shall be provided along the common property line. The buffer shall include fencing and plant material. Fencing shall consist of a solid opaque wood fence or masonry wall six (6) feet in height. Plant material shall consist of deciduous trees, evergreen trees, and/or shrubs, in addition to ground cover, and shall be provided on at least one side of the fence.
2. All refuse containers shall be completely enclosed with a solid opaque wood fence or masonry wall at least six (6) feet high.
3. Mechanical equipment (including HVAC), energy conservation or collection equipment, or communications transmitting or receiving apparatus should be screened from public view.
4. Walls and fences used for screening should be composed of such traditional materials as brick, stone, or wood. Use of chain link, plastic, fiberglass, and plywood is discouraged.
5. For all uses, a landscaped buffer strip a minimum of ten (10) feet wide shall be provided along all public rights-of-way. The buffer shall include plant material consisting of deciduous trees, evergreen trees, and/or shrubs, in addition to living ground cover.
6. Where parking areas are adjacent to public rights-of-way, landscaping shall include shrubs and/or berms to screen parked automobiles.
7. New/replacement trees shall be spaced no farther apart than an average of fifty (50) feet, on center, and placed as close to the roadway as allowed in the Virginia Department of Transportation's Guidelines for Planting Along Virginia's Roadways.
8. Parking lots containing ten or more spaces shall be planted with at least one (1) deciduous tree per eight (8) spaces, meeting the following requirements:
 - (a) Such required trees shall be surrounded by not less than forty (40) square feet of permeable, unpaved area.

Section 314 – Site Development Plans

- (b) Other landscaping materials, including shrubs and groundcover, shall be included with the trees on parking islands.
- (c) Each parking island shall have at least one (1) tree.
- (d) Trees shall be at least ten (10) feet apart if on the same parking island.

9. Tree Specification:

- (a) Required street and parking island trees shall be major deciduous hardwood trees (maple, oak, linden, sycamore, etc.) meeting the following requirements:
 - (i) Cast moderate to dense shadow; be long-lived (60+ years); be tolerant of pollution; be tolerant of direct or reflected heat; require little maintenance; be physically hardy and insect/disease resistant; be able to survive two years with no irrigation after establishment; be of native origin.
 - (ii) All deciduous trees shall have a minimum trunk diameter of two-inch caliper measured at 4.5 feet from the ground when planted.
- (b) Any evergreen tree shall be a minimum of five (5) feet in height when planted.

10. The property owner shall be responsible for maintenance and replacement of such landscape material, as needed.

(k) Lighting

All outdoor lighting fixtures shall be shielded to prevent glare on adjacent properties or rights-of-way. No lighting fixtures shall exceed twenty-five (25) feet above the ground in height.

(l) Erosion and Sediment Control

An erosion and sediment control plan for the entire disturbed area of a development shall be prepared in accordance with the Berryville Erosion and Sediment Control Ordinance, and must receive the approval of the Lord Fairfax Soil & Water Conservations District Board.

(m) Miscellaneous Design Criteria

All other criteria and specifications shall be in accordance with Town standards, where provided. Where Town standards are not provided, the Administrative Body shall provide those standards or shall rule upon the standards proposed by the developer.

314.8 CONSTRUCTION AND BONDING

- (a) No site improvement activities may occur unless all of the following have been met:
 - 1. Approval of final site plan and erosion and sediment control plan.
 - 2. Approval of erosion and sediment control bond, and installation of erosion and sediment control measures.
 - 3. Posting of construction bond.
- (b) All improvements required by this Section shall be installed at the cost of the Developer, except where cost sharing or reimbursement agreements between the Town and the applicant are appropriate, the same to be recognized by formal written approval prior to site plan approval.

Section 314 – Site Development Plans

- (c) The approval of a site plan and/or the installation of improvements shall not obligate the Town to accept the improvements for maintenance, repair, or operation. Acceptance shall be subject to Town and/or State regulations, where applicable, and dependent on the satisfactory nature of the improvements.
- (d) The applicant is required to post a bond or other acceptable surety covering the construction and satisfactory completion of all required on-site and off-site improvements. Such bond shall be posted under the provisions of Berryville Area Plan Bonding Agreement.

314.9 REVISIONS

The Agent may administratively approve changes to an approved site plan which the Agent determines are minor revisions, complying with all provisions of the Section and having no additional adverse impact on public facilities or adjacent properties. Major revisions are permitted, provided that they are approved by the Administrative Body in the same manner as the original site plan.

314.10 TERMINATION AND EXTENSION

An approved site plan shall expire and become null and void if all approved development is not completed within five (5) years from the date of approval. The Administrative Body or the Agent may grant a one (1)-year extension upon written request.

314.11 BUILDING PERMITS

For all properties and uses subject to this Section, no building permit shall be issued to construct or alter any structure, or authorization granted to improve land, until a site plan has been approved.