

BERRYVILLE AREA DEVELOPMENT AUTHORITY

AGENDA

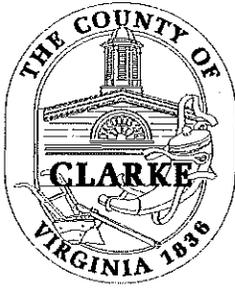
Wednesday, June 28, 2017 -- 7:00pm

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

1. Call to Order – Allen Kitselman, Chair
2. Approval of Agenda
3. Approval of Minutes – March 22, 2017 meeting
4. **Boundary Line Adjustment**
Bryan Steffen, Richmond American Homes (Agent), is requesting Boundary Line Adjustments between lots identified as Tax Map Parcel numbers 14A7-((12))-112A; 14A7-((12))-113; 14A7-((14))-117; and 14A7-((14))-118 located on Delany and Custer courts in the Battlefield Estates subdivision and zoned DR-4 Detached Residential. BLA 01-17
5. Berryville AL, LLC Site Plan Update
6. Other
6. Adjourn

UPCOMING MEETING:

Wednesday, July 26, 2017 (7:00pm) – Regular Meeting



BERRYVILLE AREA DEVELOPMENT AUTHORITY
DRAFT MINUTES - REGULAR MEETING
Wednesday, March 22, 2017 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, March 22, 2017. Chair Kitselman called the meeting to order at 7:00PM.

ATTENDANCE

Authority Members Present: Matt Bass; Warren Dilandro; Allen Kitselman; George L. Ohrstrom, II; and Kathy Smart

Authority Members Absent: Tom McFillen

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: Bass, Dilandro (seconded), Kitselman, Ohrstrom (moved), Smart

No: None

Absent/Abstained: McFillen

APPROVAL OF MINUTES

The Authority voted to approve the minutes of the February 22, 2017 meeting as presented.

Yes: Bass (seconded), Dilandro, Kitselman, Smart (moved)

No: None

Absent/Abstained: McFillen (absent), Ohrstrom (abstained)

DISCUSSION – BERRYVILLE, AL, LLC Site Plan

Berryville AL, LLC, Owner (Jon Erickson, MRA, Inc., Agent) requesting Site Plan approval in order to construct a 73-bed assisted care facility as a permitted use 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.

Ms. Dunkle noted that the Authority closed the Public Hearing on this item at the February 22 meeting. She said that a stormwater maintenance agreement was requested for review and that Mr. Erickson has

provided a copy of Fauquier County's agreement to use. She also stated that Mr. Erickson provided a maintenance schedule for biofilters and dry ponds and a copy of the easement plat for the property. She said that the easement plats were forwarded to Alton Echols for review but she has not received any comments from him at this time. She added that building plans and elevations along with an illustrative color drawing of the building have been provided and are in the packet.

Ms. Dunkle suggested that the members discuss the architectural design of the proposed building. Mr. Dilandro commented that it is very attractive and the material choices are excellent. Mr. Bass said that he would like to see this kind of information first so that he can get a picture of what the project will look like. Chair Kitselman asked if this drawing represents all proposed architectural features and Mr. Erickson replied yes. Chair Kitselman said that he has no problems with the building appearance. Ms. Dunkle noted that she did not distribute the proposed sign specifications but can email that out to the members.

Ms. Dunkle said that Mr. Erickson has provided information on projected EMS calls that would be generated by the facility. She said they indicated that a 65 bed facility would generate 5-8 EMS calls per month to take a resident to the emergency room. Ms. Dunkle asked if these are transport numbers only. Mr. Erickson replied that he asked the applicant the same question and did not get an answer but based on how the numbers are described, he believes that they are only those calls resulting in transport to a hospital. Ms. Dunkle said that the total number of calls would likely be higher. Mr. Erickson added that the numbers should not be as high as Mary Hardesty House because this facility will have onsite medical staff. Ms. Dunkle said that the facilities in Berryville that generate the most calls are Rose Hill, Mary Hardesty, and Greenfield. Mr. Dilandro asked if all of those facilities have onsite medical staff and Ms. Dunkle replied that Mary Hardesty does not. Ms. Dunkle forwarded this to County Fire & EMS Director Brian Lichty who commented that existing facilities average 7-10 calls per month and that the proposed facility's call volume would be in addition to the current EMS call volume. Vice-Chair Ohrstrom said that impacts to EMS do not fall under the Authority's purview in the context of a site plan. Chair Kitselman said that they are within their rights to request this information so it can be passed on to the EMS providers.

Regarding stormwater management, Ms. Dunkle noted that the Virginia Department of Environmental Quality (DEQ) provided a comment letter on the proposed plan and she asked Mr. Erickson if he would like to address it. Mr. Erickson said that there is nothing in the letter that is detrimental and that it sounds like a lot but is really just a number of housekeeping items. He said that he has spoken to DEQ and that the stormwater layout will not be changing – DEQ wants additional calculations to be shown and that it should only take a couple of days to resolve. Ms. Dunkle asked about the geotechnical report and Mr. Erickson said that it has been completed. She asked him if he has sent it to DEQ and he replied that he would do so. Mr. Erickson added that the geotechnical report was submitted with the site plan and has been reviewed by Pennoni.

Ms. Dunkle said that her biggest concern is comment #35 which notes that addressing DEQ's comments may result in substantive design changes to the site and that review of future submissions could result in new comments from DEQ. Ms. Dunkle asked how long it would take to respond to DEQ's comments. Mr. Erickson said that he was working on it today and reiterated that nothing will be changing layout-wise. He said they may add some pretreatment areas but that they are not adding or removing any stormwater management items at this point. Ms. Dunkle said that she does not feel comfortable recommending a conditional approval at this time. Mr. Dilandro asked whether pipe sizes would have to be increased and Mr. Erickson replied yes. Mr. Dilandro then asked whether this would impact the bio-retention pond sizes and Mr. Erickson said no. Mr. Dilandro asked for confirmation that he thinks these are just housekeeping items and Mr. Erickson replied yes. Ms. Dunkle said that there are 35 comments and she does not have a comfort level with a conditional approval. Mr. Dilandro asked what the timeframe is for DEQ to return

comments. Mr. Erickson replied that it took two months for DEQ to provide comments and now we are going to sit and wait for another two months for something that the Town does not have purview over. He added that they have to have DEQ approval before they can get a stormwater pollution prevention plan (SWPPP) approval and he added that he really does not want to come back before the Authority. He said they have answered every question and are down to comments from an outside agency. Mr. Dilandro asked who will be filing the SWPPP application and Mr. Erickson replied that they have already filed it. Mr. Dilandro asked if the Town will be monitoring the SWPPP and Mr. Erickson said no. He added that the Town turned over their authority by opting out of managing the program locally and DEQ is the approval authority for stormwater management.

Vice-Chair Ohrstrom asked whether DEQ would be able to respond in a month. Mr. Erickson replied that they will not be able to get a grading permit to start the project until DEQ approves the stormwater management plan. He said if DEQ replies in two weeks then he is stuck waiting until the next Authority meeting. Mr. Bass asked if there is a procedure for calling a special meeting and Ms. Dunkle said yes. She also added that she will not be available for a meeting on April 26 but it could be rescheduled to April 19. Vice-Chair Ohrstrom asked whether Staff would have a problem with a conditional approval given that no grading permit can be issued without final DEQ approval. Ms. Dunkle said that Staff's workload is heavy and that it is problematic to track this review and issue permits on demand when DEQ's approval is ultimately granted. She added that the Authority is the administrative body for site plan approval and asks that the Authority review and provide final approval of the plan.

Chair Kitselman said that April 19 is one month from this meeting and Mr. Dilandro commented that this sounds like a reasonable timeframe to resolve DEQ's comments. Mr. Erickson said that if he has DEQ approval in a month, it will be a three minute meeting to approve the plan and if he does not have DEQ approval, he will be put off for another month. He said that DEQ approval is DEQ approval and he does not understand why the Authority has to be involved. Mr. Bass asked whether the Authority is to disregard comment #35 that indicates there could be substantive design changes to the site plan to address the comments and that if the Authority does conditionally approve the plan and there are substantive changes, who is left holding the bag? He added that comments #1-34 do not mean a lot to him from a technical standpoint but that comment #35 does. Mr. Erickson said that these are the same comments on every review letter. Mr. Dilandro noted that DEQ also has the right to add or change comments as they continue their review and that he did not think it is unreasonable to wait until April 19 to hear back from DEQ.

Ms. Dunkle suggested waiting to hear back from Mr. Erickson on DEQ's response and then schedule a special meeting. The members agreed that this would be a good approach and discussed possible dates, times, and member availability. Staff noted that since there is no public hearing, they would need at least three days to publish notice of the meeting date and time.

The Authority moved to continue discussion of this item to the next regular meeting to be rescheduled for Wednesday, April 19 at 7:00PM, or to a special meeting to be scheduled in the event that DEQ's comments are addressed prior to April 19.

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

No: None

Absent/Abstained: McFillen

Vice-Chair Ohrstrom noted that this will be an ongoing problem with DEQ managing the stormwater review for jurisdictions that opt out of managing the program locally. Chair Kitselman said that we should be telling applicants at the beginning of the process that the DEQ review could cause delays.

ADJOURN

There being no further business, Chair Kitselman asked for a motion to adjourn. Mr. Bass moved, seconded by Mr. Dilandro, to adjourn the meeting. The motion passed by voice vote and the meeting was adjourned at 7:26PM.

Allen Kitselman, Chair

Brandon Stidham, Clerk

Bryan Steffen, Richmond American Homes (Agent), is requesting Boundary Line Adjustments between lots identified as Tax Map Parcel numbers 14A7-((12))-112A; 14A7-((12))-113; 14A7-((14))-117; and 14A7-((14))-118 located on Delany and Custer courts in the Battlefield Estates subdivision and zoned DR-4 Detached Residential. BLA 01-17

Mr. Steffen is representing Richmond American Homes whose intention it is to purchase the remaining lots on Delany and Beauregard courts in the Battlefield Estates subdivision. A previous Boundary Line Adjustment occurred because of an accessory building located on a portion of lots 113 and 112A. The building will be demolished and the lots returned to their original configuration. Staff has identified the area of adjustment on the plat included with this staff report.

All of the parcels are zoned DR-4 Detached Residential which is regulated under Section 604 of the Town of Berryville Zoning Ordinance. Conventional lot size requirements are as follows:

- Minimum lot size: 10,000 square feet
- Maximum lot size: 30,000 square feet

Lot widths and frontage were not affected by the proposed adjustments. All lots conform to zoning regulations after the proposed adjustments have been made.

Article II General Regulations, Section L.2. Boundary Line Adjustments, of the Town of Berryville Subdivision Ordinance requires that the Administrative Body approve all Boundary Line Adjustments involving plats approved under the Town's Subdivision Ordinance.

The Land Development Application, BLA Plat, and Section 604 of the Berryville Zoning Ordinance follow this staff report.

Recommendation

Approve as presented pending property owner signatures.

LAND DEVELOPMENT APPLICATION TOWN OF BERRYVILLE

(Please print or type)

Current Property Owner(s) Sandra M. Carr, Jeffrey R. & Marica A. Fairbanks, Town & Country Custom Homebuilders, LLC (Andrew Scholz), A.C. Echols, JR.

Owner's Address 405 Custer Ct., 409 Custer Ct., 404 Delany Ct., and 408 Delany Ct.

Phone 703-777-4100 (Echols) and 703-608-8269 (Andrew Scholz)

Agent (Contact Person) Bryan Steffen

Agent's Address 12220 Sunrise Valley Dr. Suite 400, Reston, VA 20190

Phone 703-390-0926

Check Appropriate Request:

- Subdivision - creating more than 2 lots
Minor Subdivision - single lot divided into 2 lots
[X] 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: BLA Battlefield Estates 4B Lots 117 + 118 and 4A Lots 112A + 113

Tax Map & Parcel Number(s): 14A7-12-112A, 14A7-12-113, 14A7-117, 14A7-14-118

Size of Project Site:

Proposed # of Lots: Existing Zoning

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: Bryan Steffen Date: 6/5/17

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: Alton C. Echols Jr. - Trustee Date: 6/6/17

OFFICE USE ONLY

Public Hearing Required? Dates Advertised

Adjoining Property Owners Notified?

Action Taken:

(4/92) **SECTION 604 - DETACHED RESIDENTIAL-4 (DR-4) DISTRICT**

604.1 PURPOSE AND INTENT

The Detached Residential-4 District is created to provide for single-family detached residences at higher densities than other single-family detached districts. A maximum of four (4.0) units per net developable acre establishes a medium- to low-density district for detached residences. The application of this district shall be to undeveloped tracts lying within the Town of Berryville and within the precincts of the Berryville Plan, as well as to “infill” lots within the existing stable neighborhoods, with the intent of preserving existing natural features and vegetation, promoting excellence in site planning and landscape design, and encouraging housing of compatible scale and architectural character. Cluster residential development shall be encouraged and permitted, by right, so that specific environmental preservation and land-use goals may be promoted.

604.2 PERMITTED USES

- (a) Single-family detached dwellings, either a conventional “dispersed” layout or a clustered layout subdivision--a clustered subdivision requiring site plan approval.
- (b) Accessory uses, to include detached carports and garages, tool sheds, children’s playhouses, doghouses, private swimming pools and Temporary Family Health Care Structures as established in Section 323. **(11/10)**
- (c) Municipal utilities.

604.3 SPECIAL PERMIT USES

- (a) Bed and breakfast lodging occupying more than 300 square feet of residence.
- (b) Cemeteries.
- (c) Churches and shrines.
- (d) Community buildings, public and private.
- (e) Day care centers and nursery schools. **(10/94)**
- (f) Fire stations.
- (g) Home occupations as defined in Section 315. **(12/93)**
- (h) Libraries, museums, and historic markers.
- (i) Plant nurseries with no sale of nursery products permitted on premises.
- (j) Public utility uses (sub-stations, pump stations, storage tanks, etc.) and related easements, except for municipal utilities.
- (k) Recreational uses such as public swimming pools, tennis courts, and golf courses.
- (l) Public schools, parks, playgrounds and related uses. **(3/09)**

604.4 MAXIMUM DENSITY

- (a) Four (4.0) dwelling units per net developable acre.
- (b) A maximum floor area ratio of 0:15 shall apply to uses other than residential.

604.5 LOT SIZE, YARD, AND BULK REQUIREMENTS FOR CONVENTIONAL LOTS

- (1/93) (a) Lot area: Minimum--10,000 square feet; maximum - 30,000 square feet **(7/04)**.
(Refer to Section 614 regarding the impact of critical environmental areas on lot Size requirements.

Section 604 Detached Residential-4 (DR-4)

- (b) Minimum lot width
 - (1) Interior lot: 75 feet
 - (2) Corner lot: 90 feet
- (c) Minimum yard requirements
 - (1) Front yard: 20 feet for primary structures;
25 feet for garages, carports or other structures used to house vehicles **(7/04)**
 - (2) Side yard: 10 feet
 - (3) Rear yard: 30 feet (residences)
 - (4) Accessory structure: 5 feet (rear and side setbacks)
- (d) Maximum building height: 35 feet

604.6 MINIMUM DISTRICT SIZE FOR CLUSTER SUBDIVISIONS

Minimum district size for cluster subdivision: two (2) acres.

604.7 LOT SIZE, YARD, AND BULK REQUIREMENTS FOR CLUSTERED LOTS

- (a) Minimum lot area: 7,500 square feet.
Maximum lot area: 20,000 square feet **(7/04)**
(Refer to Section 614 regarding the impact of critical environmental areas on lot size requirements.)
- (b) Minimum lot width
 - (1) Interior lot: 60 feet
 - (2) Corner lot: 75 feet
- (c) Minimum yard requirements
 - (1) Front yard: 15 feet for primary structures;
25 feet for garages, carports, or other structures used to house vehicles **(7/04)**
 - (2) Side yard: 10 feet
 - (3) Rear yard: 25 feet (residences)
 - (4) Accessory structure: 5 feet (rear and side setback)
- (d) Maximum building height: 35 feet

604.8 OPEN SPACE REQUIREMENTS FOR DETACHED RESIDENTIAL SUBDIVISIONS

- (a) In subdivisions approved for cluster development, twenty (20) percent of the net site area which excludes 100-year floodplain, sinkholes, and slopes exceeding twenty-five (25) percent and fifty (50) percent of land with slopes between fifteen (15) and twenty-five (25) percent shall be open space, dedicated to common usage and ownership.
- (b) In cluster subdivisions, at least one-fourth (1/4) of the required open space (five {5} percent of the net site area) shall be developed and designed for recreational and active community open space.

604.9 ADDITIONAL REGULATIONS

- (a) Refer to Article III for general regulations and other provisions which may supplement those cited herein.
- (b) Refer to Section 305 for off-street parking requirements.
- (c) Refer to specific Overlay Zoning Districts, where applicable.
- (d) Refer to Section 615 for special regulations relating to cluster subdivisions, critical environmental areas, and open space.
- (e) Refer to Section 317 Karst Features for additional requirements. **(7/04)**
- (f) The lot size, yard, and bulk requirements in effect at the time of subdivision plat approval prior to January 1, 2011 shall remain applicable to such subdivisions until July 1, 2017. The foregoing shall not be effective unless any unreleased performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the subdivision are continued in force. **(12/14)**

BERRYVILLE AREA DEVELOPMENT AUTHORITY
Update – Berryville AL, LLC Site Plan
June 28, 2017

Agenda Item 5

Staff received a copy of the Virginia Department of Environmental Quality comment response letter from Dustin Staton on June 12, 2017. The letter, the only correspondence concerning this matter since the last BADA meeting, follows this report.

Staff contacted Mr. Erickson to let him know that the BADA was holding a meeting.



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
TDD (804) 698-4021
www.deq.virginia.gov

Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4020
1-800-592-5482

June 12, 2017

Via Electronic Mail

Mr. Jon Erickson, P.E., L.S.
Morris & Ritchie Associates, Inc.
43760 Trade Center Place,
Suite 110, Sterling VA 20166

Re: Connexion Senior Living

Clarke County, Virginia
DEQ SWM #: VRO-15-185
Stormwater Management (SWM) Plan

Dear Mr. Erickson:

The Department of Environmental Quality (DEQ) has reviewed the above referenced stormwater management plan dated July 22, 2015, last revised May 8, 2017 for conformance with the *Virginia Stormwater Management Program (VSMP) Law and Regulations*. We offer the following comments:

General Comments

1. Please provide riprap outlet protection below the concrete weir outlet of the detention facility.
2. Per VA DEQ Stormwater Design Specification No. 9 Grass filter strips extend from the edge of pavement to the bottom of the bioretention basin at a 5:1 slope or flatter. Alternatively, provide a combined 5 feet of grass filter strip at a maximum 5% (20:1) slope and 3:1 or flatter side slopes on the bioretention basin.
3. The bioretention detail on sheet 14 shows a ponding depth of 1'; however 6" was used in the sizing calculations.
4. The bioretention detail on sheet 14 says it's the typical detail for facilities 1&2. What about the remaining facilities?

June 12, 2017

Re: DEQ SWM #: VRO-15-185

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5. The bioretention detail on sheet 14 says "Min 3" layer pea gravel over underdrain stone shall extend 1' either side of pipe". Please remove the "shall extend 1' either side of pipe". The pea gravel should entirely cover the underdrain stone.
6. In the maintenance agreement please change the "Town" to the VSMP Authority which in this case is DEQ.
7. The weir type used in the routing calculations was a 15° V, however the plans specify a 20° V. Please change the detail on the plan or provide routings to reflect this.
8. According to the VRRM spreadsheet the CN with runoff reduction equals 76 not 55 which was used in the energy balance equation. Please show work for the proposed Rv numbers used or just use the volume from the respective hydrographs.
9. In the bioretention sizing calculations the storage depth is 1.65, however in the equation that was rounded up to 1.7 which results in less surface area being required. Please use the actual storage depth of 1.65.
10. The gravel diaphragm, and flow spreader details on sheet 15 should show that the filter fabric is entrenched.
11. The surface areas shown in the bioretention basin planting calculations on sheet 15 do not match the surface areas provided on sheet 14.
12. It is anticipated that the addressing of the above comments may result in substantive design changes to the site. Please note that review of future submissions may result in comments regarding the Stormwater Management Plan in addition to those currently presented.

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: Dustin Staton
P.O. Box 3000
Harrisonburg, Virginia 22801

FedEx, UPS, Hand Delivery

Department of Environmental Quality
Attn: Dustin Staton
4411 Early Road
Harrisonburg, Virginia 22801

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

June 12, 2017

Re: DEQ SWM #: VRO-15-185

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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](http://www.deq.virginia.gov/Portals/0/DEQ/Enforcement/Guidance/process%20for%20early%20dispute%20resolution%20no8%202005.pdf)

Please contact Dustin Staton at (540) 209-3736 or dustin.staton@deq.virginia.gov if you have any questions about this letter.

Sincerely,



Dustin Staton, C.F.M.
Stormwater Compliance Specialist

Copy to: Larry Gavan, DEQ-CO
 Gary Flory, DEQ-VRO
 Christy Dunkle, Berryville Planner