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BERRYVILLE
EST. 1798 *Genuine* VIRGINIA

BERRYVILLE PLANNING COMMISSION

Regular Meeting

Tuesday, August 22, 2023 – 7:00 p.m.

101 Chalmers Court – Main Meeting Room – Second Floor

AGENDA

1. Call to Order – William Steinmetz, Chair
2. Approval of Agenda
3. Approval of Minutes – July 25, 2023
4. Set Public Hearing – Rezoning
Friant Enterprises #1, LLC; Friant Enterprises #2, LLC; Friant Enterprises #3, LLC (Owners) (Tony Free, Vice President, DR Horton, Inc., Agent) are requesting a rezoning of the properties identified as 14-A-80 and 14-A-112 consisting of approximately 100 acres. The properties are currently zoned OSR Open Space Residential; DR-1 Detached Residential-1; DR-2 Detached Residential-2; and BP Business Park. The proposed zoning for a portion of the properties identified above is DR-4 Detached Residential-4. RZ 01-23
5. Citizens' Forum
6. Planning Update
7. Other
8. Adjourn

Harry Lee Arnold, Jr.
Mayor

Erecka L. Gibson
Vice Mayor

Council Members

William Steinmetz
Ward 1

Diane Harrison
Ward 2

Grant Mazzarino
Ward 3

Ryan Tibbens
Ward 4

Keith R. Dalton
Town Manager

BERRYVILLE PLANNING COMMISSION
Berryville-Clarke County Government Center
Meeting Minutes
July 25, 2023

A meeting of the Berryville Planning Commission was held on Tuesday, July 25, 2023 at 7:00 p.m. at the Berryville-Clarke County Government Center in Berryville.

ATTENDANCE: Members of the Planning Commission present: William Steinmetz, chair, Kim Kemp, vice chair, Michael Bell, Gwen Malone, Michelle Marino, Tom Parker, Sheryl Reid

Absent: none

Staff present: Christy Dunkle, Community Development Director, Jean Petti, Deputy Town Manager

Press present: Mickey Powell, Winchester Star

1. CALL TO ORDER – William Steinmetz, chair

Chair Steinmetz called the meeting to order at 7:00 p.m.

2. APPROVAL OF AGENDA

Ms. Malone made the motion to approve the agenda as presented, seconded by Mr. Bell. The motion passed by voice vote.

3. APPROVAL OF MINUTES

Ms. Malone made one edit to the minutes. She made a motion to approve the June 27, 2023 minutes as amended, seconded by Ms. Reid. The motion passed by voice vote.

4. PUBLIC HEARING – SPECIAL USE PERMIT

Chair Steinmetz opened the public hearing. Ms. Dunkle described the request and the public notice. She said she had received five public comments, all of which were distributed to the Planning Commission members prior to the public hearing. Chair Steinmetz asked if any representatives from the church would like to discuss the request. Alethia Burks (agent) and Stephanie Washington approached the podium. Ms. Washington discussed the day care business and the need for such a facility in the community. She said there would be minimal traffic impacts and that transport for the students would be offered by the church. She described the programming of the facility.

Ms. Burks asked if there were any additional questions. There were none.

Chair Steinmetz recognized Thomas Brown, a resident of Berryville. Mr. Brown said he had been a member of the church for 73 years. He said he is not in favor of the day care center adding that the

church has been going through some difficult times. He said there does not need to be more fuel to the fire.

Chair Steinmetz recognized Phyllis Paige Washington, a resident of Berryville. Ms. Washington said she is the granddaughter of Benjamin Franklin Paige who is one of the founders of Josephine Street. She said she was representing ex-members of the church. She referenced guards and protesters outside of the church and said she is against the day care center.

Chair Steinmetz recognized Violah Jackson, a resident of Winchester. Ms. Jackson said she grew up on Josephine Street and was a lifelong member of Zion Baptist Church. She said her family home is on Josephine Street. She opined that the church is out to make money and was a non-loving environment with armed guards on the site.

Chair Steinmetz recognized Marietta Liggins, a resident of Berryville. Ms. Liggins said she grew up on Josephine Street and was a lifetime member of the church. She said she has been served no trespassing papers from church officials. She said she is against the day care and that Zion Baptist Church is dysfunctional and has no love for the community. She said she would not want to bring her children or grandchildren to the day care center with security guards outside.

Chair Steinmetz recognized Kenneth Liggins, a past resident of Josephine Street and resident of Kearneysville, WV. Mr. Liggins said he is the president of the Josephine Improvements Association. He said one of the applicants who signed the application was deceased and that the request should be nullified. He said the neighbor across the street is against the day care center. He asked who the leader of the church is and submitted information about the pastor's bankruptcy for the record.

Chair Steinmetz recognized Marcella Roberts. Ms. Roberts, a resident of Josephine Street, said has lived on Josephine Street all of her life and has spent 23 years in the school system. She stressed the need for child care access and the day care center would be an asset to the community. She said she would rather see a day care center rather than broken down homes on the street.

Chair Steinmetz recognized Lynette Wilkins. Ms. Wilkins said she is a past resident of Josephine Street and it has been home for all of her life. She said that issues in the church have not been resolved. She said safety is part of a day care center. She asked if the application could be turned down because of parking. She said this was not a good time for this facility to begin operation.

Chair Steinmetz recognized Dominic Viera. Mr. Viera said he is an attorney representing Zion Baptist Church. He said he wanted to address a couple of items in the documents that were presented. He said the guards at the church are in place to provide security to members of Zion Baptist Church who are being accosted and protests that are occurring that prompt the requirement for guards. He discussed the process of the courts appointing trustees and clarifying ownership of the church property. He added that the guards are in place to prevent further disruption to church services. He said further litigation has been brought to a conclusion.

Chair Steinmetz recognized Daniel Nelson. Mr. Nelson said he is a lifelong resident of Berryville. He said Zion's special use permit should be denied due to the dysfunctionality of the church. He said the church by-laws benefit a few people and that the members of the church did not vote on the matter which created a dictatorship. He said that people have a right to ask questions and that it is frowned upon by church leaders. Mr. Nelson said he was exiled from the church with a no trespassing order. He said the new leadership began in 2021. He said he saw a preacher and others get put out of the church in support of other members adding that it is inappropriate for church leadership to conduct themselves that way. He asked if they are responsible enough to operate a day care center. He asked if Zion Baptist Church should have the responsibility of these children. He said the church will continue to be confronted with protestors and that they are not going anywhere until the no trespassing orders are removed. He concluded by saying that the church officials are outsiders with no direct community ties and that he is concerned that the students may be in danger.

Chair Steinmetz recognized Nicole Hill. Ms. Hill, a resident of Upper Marlboro, MD, said her husband is the pastor of Zion Baptist Church. She said he started in 2021 after the pandemic and the church was in an uproar at that time. She said that the church serves the seniors and the community, offers school supplies to children at D.G. Cooley, and transport people to church. She said they can have one pastor at the church. Ms. Hill said church officials have repaired and cleaned up the buildings and the site and they are bringing life to the children in the area. She said they are not here to separate people. She said it is hard changing minds.

Chair Steinmetz recognized Diana Marshall. Ms. Marshall, a resident of District Heights, MD, said she grew up on Josephine Street and in Zion Baptist Church under various ministers. She said the church and the building belong to God. She said problems at Zion were occurring when new officials came in and that the issues need to be resolved prior to a nursery being started. She asked why the church had been incorporated. She spoke on the need for integrity, decisions from the heart, and the needs of children. She said she is a Paige and will always be one. She said church officials are taking the church van to Maryland to pick up people to worship.

Chair Steinmetz recognized Malinda Crosby. Ms. Crosby, a resident of Berryville, said she had been an educator for over 41 years. She said Mr. Nelson had verbally assaulted her and her granddaughter with a bull horn outside the church. She said it upset her but frightened her granddaughter and she asked why someone would do that. She said they are interested in changing the environment adding that a judge has issued a verdict. She said there were no day care centers in the community when she was working and that the focus should be on the children. She said please do not say you are concerned about the environment and the chaos adding that if you are part of it, then you need to change it.

Chair Steinmetz recognized Ellis Ross of Millwood. Mr. Ross said he is a 13-year member of the church and that there was a lot of conflict prior to Pastor Hill's arrival. He said guards are in place because situations can erupt in a moment's notice. He said guards are probably necessary to protect the children.

Chair Steinmetz recognized Dee Dee Liggins. Ms. Liggins said she was baptized at Zion Baptist Church in 1969. She said she has been a member of the church under five pastors. She said they had never put anyone out of the church. She said she worked most of her life and donated food and money to the homeless and the kids. She said the kids loved Dee Dee.

There being no further discussion, Ms. Malone made the motion to close the public hearing, seconded by vice chair Kemp. The motion passed by voice vote.

5. DISCUSSION – PUBLIC HEARING

Chair Steinmetz opened up the floor to Commissioners' discussion. Ms. Marino asked about the parking. Ms. Dunkle identified the proposed parking spaces. Ms. Dunkle pointed out the spaces and that the rear spaces would be for employees would be there throughout the day. Ms. Dunkle said they will be fencing the property and defined the special use permit process.

Chair Steinmetz asked about the number of students who will be at the facility. Ms. Burke verified the number as a maximum of both day care and after-school students with a maximum of 30 students. Ms. Dunkle said 24 were originally identified. There was a discussion about parking requirements.

Ms. Dunkle discussed the discrepancies of the mapping program and the lot merger paperwork. She said she discussed the issue with County Commissioner of the Revenue and they have clarified the situation. Ms. Dunkle confirmed the hours of operation with Ms. Burks of 6:00 a.m. and 6:00 p.m.

Ms. Reid said they need to update their application due to the death of one of the signatories. Ms. Dunkle said she will request an updated application.

Chair Steinmetz said that he researched the licensure of these programs. He said it is clear that the Town does not oversee licensure of day care centers in the Commonwealth. He said there is a lot of emotion tied into the church's efforts. He said the Planning Commission acts as an advisory board to Town Council and that their tasks are simple and defined.

Mr. Parker reiterated that this action is a land use matter adding that the church's situation is unfortunate. He said it has been his personal experience that day care centers are needed as he had been on waitlists for his children. He said that the Commonwealth is responsible for licensing, enforcement of standards, and inspections.

There being no further discussion, vice chair Kemp made the motion to recommend Town Council approval of a special use permit to operate a day care center at Zion Baptist Church with the following conditions:

- A fence is installed around the multi-purpose court and playground at the rear of the property
- The number of maximum students in the building be clarified
- Update the application signatures

Mr. Parker seconded the motion which passed by voice vote.

6. CITIZENS' FORUM

No one spoke.

7. OLD BUSINESS – Short-term rentals

Chair Steinmetz said he is pleased with the final draft of the definition of short-term rentals. Mr. Parker said the two-person limit per bedroom is in line with what we would expect.

There being no further discussion, Ms. Malone made the motion to recommend Council approve the definition of short-term rentals to Article I of the Berryville Zoning Ordinance and establish the use by special permit in the zoning districts identified in the staff report. Mr. Parker seconded the motion which passed by voice vote.

8. DISCUSSION – PLANNING UPDATE

Ms. Malone asked the status of the Battletown Inn. Ms. Dunkle said Mr. Johnson has taken the property back. Ms. Reid asked about the status of the Godfrey House. Ms. Dunkle said it is likely that the County will move onto enforcement concerning the certificates of occupancy.

9. OTHER

There was no further discussion.

10. ADJOURN

There being no further discussion, vice chair Kemp moved for adjournment, seconded by Ms. Malone, with the motion passing by consensus at 7:45 p.m.

William Steinmetz, Chair

Christy Dunkle, Secretary

Planning Commission Agenda Item Report Summary

August 22, 2023

Item Title

Set Public Hearing – Comprehensive Plan Amendment, Zoning Map Amendment, Rezoning

Prepared By

Christy Dunkle

Friant Enterprises #1, LLC; Friant Enterprises #2, LLC; Friant Enterprises #3, LLC (Owners) (Tony Free, Vice President, DR Horton, Inc., Agent) are requesting a rezoning of the properties identified as 14-A-80 and 14-A-112 consisting of approximately 100 acres. The properties are currently zoned OSR Open Space Residential; DR-1 Detached Residential-1; DR-2 Detached Residential-2; and BP Business Park. The proposed zoning for a portion of the properties identified above is DR-4 Detached Residential-4. RZ 01-23

Background/History/General Information

The properties referenced above were annexed into the Town of Berryville on January 1, 2022. Currently zoned OSR Open Space Residential, DR-1 Detached Residential – 1, DR-2 Detached Residential - 2, BP Business Park, the applicants would like to have a portion of the property rezoned to DR-4 Detached Residential-4. This density increase would allow for the construction of additional single-family homes.

A rezoning requires three items to be approved by Town Council after recommendation of the Planning Commission:

- comprehensive plan amendment (in this case, the Berryville Area Plan is the component plan to the Town's comprehensive plan)
- zoning map amendment
- rezoning

General Information

This property is located within Annexation Area B. The Berryville Area Development Authority is the administrative body that reviews and approves land use actions such as subdivision and site plan review. The property is identified in the Berryville Area Plan (BAP) which is a component plan of the Town and County's comprehensive plans.

In 1992, the Berryville Area Plan was adopted by the Town and County. Sub-areas were identified on all parcels within Annexation Area B. Detailed studies were performed on each of these sub-areas that included, but were not limited to, transportation, historic resources, and environmental suitability. Land use and zoning were applied to each parcel and a Future Land

Use table was created which included lot yields for residentially-zoned parcels. The plan was updated in 2015 and adopted by Town and County officials in 2016.

Of the residential development that occurred in Annexation Area B as of the update of BAP in 2015, 195 residential units were identified as unbuilt. That number has been reduced to 160 unbuilt units as Hermitage V was not under development at the time of the BAP update. The sub-areas (identified on Map 4 – Berryville Area Plan Land Uses (2015)) that did not reach the anticipated densities, include:

- Sub-areas 3 and 4 (total of 89 lots due to high school construction)
- Sub-area 18 (total of 45 lots, Berryville Glen developer chose not to rezone)
- Sub-area 25 (total of six lots, Southgate developer chose not to rezone)
- Sub-area 27A (total of 20 lots, original yield of 91, 71 houses constructed in Hermitage V development from 2021 – current)

Property Information

The parcels included in this request are within sub-areas 13, 14, and 15 identified on the attached Map 4 – Berryville Area Plan Land Uses (2015). Please note: sub-areas 16 and 17 are not part of this rezoning request and are under separate ownership. Full descriptions of sub-areas 13, 14, and 15 follow this staff report. Below is a synopsis of these sub-areas:

- **Sub-area 13 – Buckmarsh Run Conservation Area (32.4 acres)**
Land use: environmental conservation
Current zoning applied: OSR Open Space Residential
Lot yield: 3
Sub-area 13 is adjacent to the Norfolk-Southern railroad tracks and is an environmentally-sensitive area due to Buckmarsh Run and flood-prone characteristics.
- **Sub-area 14 – Northeast Residential Transition Area (7.2 acres)**
Land use: Medium - low density residential
Current zoning applied: BP Business Park
Lot yield: 28
The land use originally applied to this sub-area was light industrial based on its location to the railroad tracks and existing businesses on Cattleman’s Lane. The 2015 update modified the land use from industrial to medium-low residential due to concerns about the lack of access as an industrial site and the nature of the adjacent residential land uses.
- **Sub-area 15 – Northeastern Residential Growth Area (63.1 acres)**
Land use: low density residential
Current zoning applied: DR-1 Detached Residential - 1, DR-2 Detached Residential - 2, OSR Open Space Residential
Lot yield: 81
This sub-area surrounds the Bel Voi manor house (sub-area 16) which is under separate ownership. The BAP references sensitivity to land use proposals due to the nature

historic residence. The primary access to the proposed development area is identified through the Audley property (sub-area 17).

Descriptions in the BAP note the potential for a master planned-development on sub-areas 13, 14, and 15 that would contain the following elements:

- Transportation connectivity to adjacent sub-areas;
- Cluster design that would reduce infrastructure costs (e.g., roads, utilities) and adverse environmental impacts;
- Walkability elements;
- View shed protection;
- Master planning for public utilities and stormwater infrastructure; and
- Cash proffers to mitigate the impact of new development on Town and County capital needs.

The lot yield identified on the Future Land Use Table in the BAP for these sub-areas totals 112 lots. The developer has proposed using the 102 of the 160 undeveloped lots to increase the density for a total of 214 single-family homes. The sub-area descriptions state that additional density should be considered for a portion of these residual units to be included in these locations.

Proffers

A proffer is a condition offered by the owners of property subject to a rezoning which may be accepted by the locality's governing body in conjunction with its approval of the rezoning. Rezonings with proffers are considered conditional zoning per the Code of Virginia as follows:

It is the purpose of §§ [15.2-2296](#) through [15.2-2300](#) to provide a more flexible and adaptable zoning method to cope with situations found in such zones through conditional zoning, whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community that are not generally applicable to land similarly zoned.

The code sections referenced above are included in this staff report.

According to the Albemarle County Land Use Law Handbook (March, 2022), eight essential features of Proffers are as follows:

- Proffers may impose additional requirements and restrictions to address the impacts of a rezoning or may allow modifications from the requirements of the zoning ordinance.
- Proffers must be voluntary, which means that after the locality identifies the impacts arising from the rezoning, it is up to the owner to decide whether they want to address the impacts through proffers or risk having the rezoning denied by the governing body because impacts were not addressed; it is improper for a locality to deny a rezoning simply because the owner did not proffer something requested by the locality.
- Proffers must be reasonable.

- Once accepted by the governing body, proffers become part of the zoning regulations applicable to the land and they run with the land until it is rezoned (there are exceptions).
- Proffers must be in writing.
- Proffers must be submitted before the public hearing by the governing body and may not be materially amended once the public hearing begins without holding another public hearing, provided that the governing body may waive the requirement for a public hearing if the amendment does not affect conditions of use or density.
- Proffers must be signed by the owner(s) of the land being rezoned.
- Proffers to dedicate substantial land, make substantial cash payments, to construct substantial improvements, or which specify the permitted use or density, may create vested rights in the zoning of the land.

Findings/Current Activity

N/A

Schedule/Deadlines

Per Section 508.8 of the Berryville Zoning Ordinance, the Planning Commission shall act upon any proposed amendment within 100 days of the first Planning Commission meeting after the receipt of a complete rezoning application (by December 31, 2023). Town Council shall, under Section 508.9 of the Berryville Zoning Ordinance, act upon any proposed amendment within one year after receipt of a complete application (by August 11, 2024).

Staff is recommending that a work session be held prior to the September meeting. A discussion of dates should occur at the meeting.

Other Considerations

Full documents identified in the list of attachments below is available at the Town of Berryville Business Office.

Recommendations

Set a public hearing for the September 26, 2023 meeting. Set a date for a work session prior to the public hearing.

Sample Motion

I move that the Planning Commission of the Town of Berryville set a public hearing for the September 26, 2023 meeting for the comprehensive plan amendment, zoning map amendment, and rezoning of the parcels identified as 14-A-80 and 14-A-112.

Attachments:

Staff report attachments:

1. Vicinity map
2. Map 4 - Berryville Area Plan Land Uses (2015)
3. Sub-area descriptions from the Berryville Area Plan (2015)
4. Future Land Use Table from the Berryville Area Plan (2015)
5. Sections 508 Amendments and 509 Amendments with Proffered Conditions of the Berryville Zoning Ordinance
6. Section 604 Detached Residential-4 (DR-4) of the Berryville Zoning Ordinance
7. Code of §§ [15.2-2296](#) through [15.2-2300](#) concerning conditional zoning

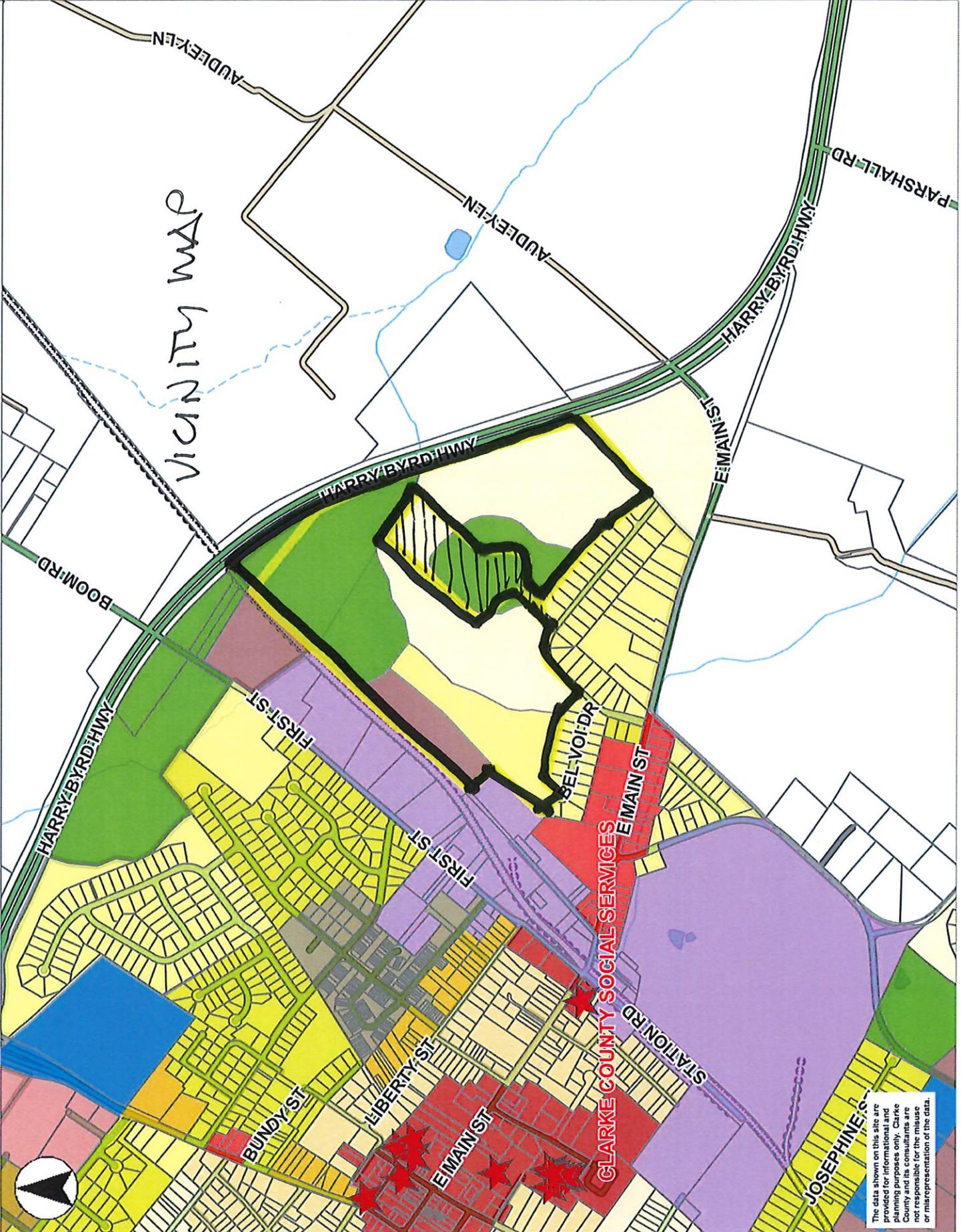
Application attachments:

1. Rezoning Application
2. Friant Master Zoning Plan prepared by Dewberry Engineering
3. Friant Rezoning Plat prepared by Dewberry Engineering
4. Friant Rezoning Maps prepared by Dewberry Engineering
5. Water/Sewer Capacity Analysis prepared by Dewberry Engineering (currently under review by the Town's consulting engineer)
6. Friant Proposed Plan Rendering prepared by Dewberry Engineering
7. Friant Fiscal Impact Analysis* prepared by Municap
8. Proffer Justification Narrative prepared by Municap
9. Town and County Revenue Summary (Hermitage V, Shenandoah Crossing, Fellowship Square) prepared by Municap
10. Summary of Geotechnical Exploration Report* prepared by Universal Engineering Sciences
11. Friant Geotechnical Study Area Map prepared by Universal Engineering Sciences
12. Summary of Friant Traffic Impact Analysis* prepared by Wells & Associates
13. Intersection study
14. Summary of Phase IA Cultural Resource Report* prepared by Dovetail Cultural Resource Group
15. Draft Friant Proposed Proffer Statement

*Full copies of these reports are available to view at the Town Business Office



- Public
- Parcels
- Berryville Zoning
 - Detached Res-1 (DR)
 - Detached Res-2 (DR)
 - Detached Res-4 (DR)
 - Residential-1 (R-1)
 - Residential-2 (R-2)
 - Attached Res (AR)
 - Older Persons Res (OPR)
 - Open Space Res (OS)
 - Business (B)
 - Business Park (BP)
 - Bus Commercial (BC)
 - Light Commercial (LC)
 - Downtown Commercial (DC)
 - Light Industrial (L-1)
 - Institutional (ITL)
 - Clarke County Boundary
- Major Roads
 - Interstate
 - US Highway
 - State Highway
 - Surrounding Counties Open
 - Clarke County Roads
 - Private Roads
 - Roads
 - Rail
- Buildings
- Appalachian Trail
- Streams
 - Perennial Streams
 - Intermittent Streams
- Ponds
- Rivers

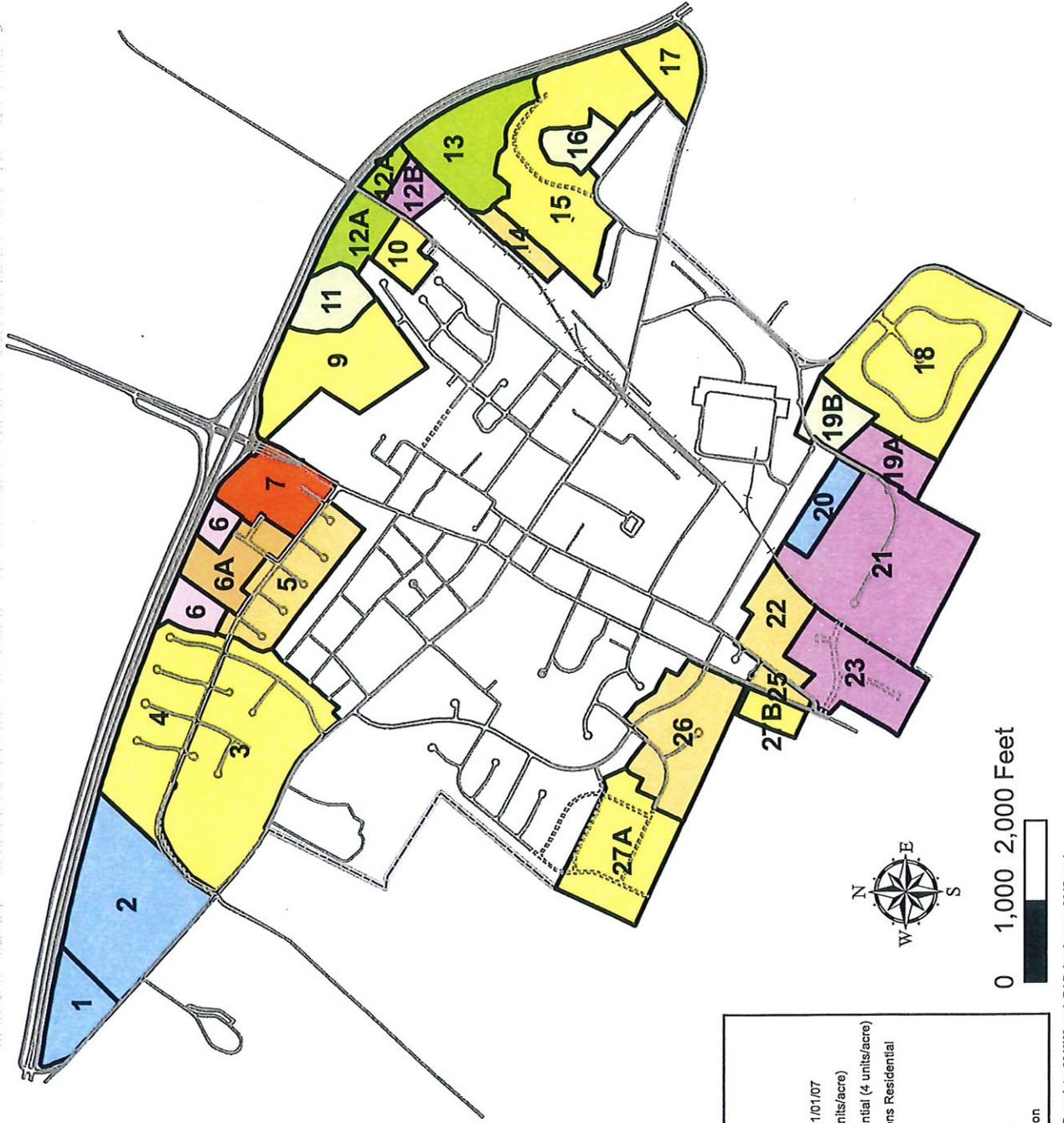


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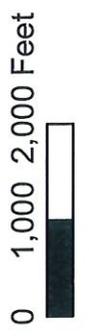


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MAP 4 -- Berryville Area Plan Land Uses (2015)



| | |
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| | Existing Roads |
| | Proposed Roads |
| | Railroads |
| | Berryville Town Limits as of 01/01/07 |
| | Low Density Residential (2 units/acre) |
| | Medium-Low Density Residential (4 units/acre) |
| | Medium Density Older Persons Residential |
| | Highway-Visitor Commercial |
| | Business/Office |
| | Light Industrial/Research |
| | Institutional/Public |
| | Environmental Conservation |
| | Historical/Cultural Preservation |



SUB-AREA 13

Name: BUCKMARSH RUN CONSERVATION AREA
Acreage: 32.4 acres
Land Use Designation: Environmental Conservation
Annexed: No

Sub-Area 13, containing approximately 32 acres, is bounded on the northwest by the railroad and on the northeast by Route 7 Bypass. Most of the southern boundary follows the floodplain of Buckmarsh Run, common with Sub-Areas 10, 11, and 12. The entire Sub-Area is located outside of Town limits and is currently undeveloped.

Given the marshy, flood-prone characteristics of the area, it is classified as an environmentally sensitive area and is currently zoned Open Space Residential (OSR). The Open Space Residential

District allows for by-right development of single-family dwellings on lots no smaller than ten (10) acres in size.

Similar to Sub-Area 12A and Sub-Area 12B, this Sub-Area is seasonally wet and has poorly drained bottom land character. The environmental make-up of the sub-area renders it unsuitable for urban land uses, and as such, the land should be viewed as having the lowest comparative development potentials in the Berryville Area. No urban land uses should be permitted for this land unit. Coordination of stormwater management plans with those of other Sub-Areas is critical to preserving the natural integrity of this Sub-Area; every step should be taken so that each Sub-Area detains its run-off on site. Alteration of the Buckmarsh Run stream channel is discouraged.

The southern boundary of this Sub-Area was developed using topographic maps and may include limited areas that are not considered critical environmental areas (e.g., floodplain or flood-prone). In the event that developable land is located along the southern boundary of this Sub-Area through site engineering and analysis, these areas may be considered developable as part of the adjacent Sub-Area.

SUB-AREA 14

Name: NORTHEAST RESIDENTIAL TRANSITION AREA
Acreage: 7.2 acres
Land Use Designation: Medium-Low Density Residential
Annexed: No

Sub-Area 14, containing approximately 7.2 acres, is located just to the southeast of the railroad right-of-way that also corresponds to the current boundary of the Town of Berryville. The Sub-Area is bordered on the south and east by existing development that includes an established neighborhood of single-family detached homes. The Sub-Area is bounded on the east by a well-defined natural swale, which drains into the lowlands of Sub-Area 13. The entire Sub-Area is currently located outside of Town limits.

The Sub-Area is undeveloped and the physiography of the site with limited transportation access is not conducive to intensive land uses, particularly industrial uses. Mixed hardwood vegetation is

scattered throughout the planning unit, affording opportunities for visual buffers for the residential area to the south. Future land uses should be clustered so as to preserve the site's natural drainage way.

Transportation planning for Sub-Area 14 shall provide for connections through the existing Battletown Subdivision as well as potential linkages into Sub-Area 15. Transportation planning should also consider the potential for any developer-funded local collector road options that could be identified to provide direct connectivity from this Sub-Area to East Main Street.

The Sub-Area is currently zoned Business Park (BP) and is adjacent to the Norfolk Southern Railroad. Modifying this land use and its zoning should be considered due to its lack of vehicular access. Access is currently from Cattleman's Lane which is owned by Norfolk Southern Railroad. This road is substandard in width and is not publicly maintained making it unsuitable for business access absent substantial investment in a new industrial collector road.

This Sub-Area, previously designated as Sub-Area 14A, was originally recommended for light industrial uses due to its proximity to the Norfolk-Southern Railroad. In conjunction with the 2015 Plan update, this Sub-Area is now recommended for development of medium-low density residential as a transition area between the railroad and the adjoining low-density residential uses recommended for Sub-Area 15. Given the challenges of developing safe and effective ingress/egress for industrial traffic, this Sub-Area would be better served by lower-capacity residential streets constructed as part of a phased development plan that could occur in the future in Sub-Area 15.

Zoning requirements should encourage that residential development be planned in clusters. Cluster design for the residential neighborhood would provide the opportunity to reserve sensitive environmental areas and natural drainage ways, which would in turn, provide for more efficient use of the land. Clustering would also be an important tool by which land disturbance and grading activities could be confined.

It should be noted that the majority of the land contained in the Sub-Areas 13, 14, and 15 are in common ownership as of the 2015 Berryville Area Plan update. This presents the potential opportunity of facilitating a master plan development for these Sub-Areas including, but not limited to, the following elements:

- Transportation connectivity and improvements (see discussion under Sub-Areas 15 and 17).
- Cluster design to reduce infrastructure costs and adverse environmental impacts.
- Walkability elements including sidewalks and walking trails.
- View shed protection.
- Master planning for public water, public sewer, and stormwater infrastructure.
- Cash proffers or other developer-funded improvements to mitigate the impact of new development on Town and County capital needs.

If supported by a master plan of development that effectively addresses these and other elements, Sub-Area 14 supports medium-low density residential development at a density of 4 units per acre. The maximum potential yield for this Sub-Area is 28 units. The original Berryville Area Plan

identified Future Land Uses in Table V-1 and included planned yields for respective commercial and residential development. Of the residential development that has occurred in Annexation Area B through 2015, 195 residential units of the planned yield had not been constructed. Additional density that would allow for a portion of these units to be included in this Sub-Area would come from these unused residential units.

SUB-AREA 15

Name: NORTHEASTERN RESIDENTIAL GROWTH AREA
Acreage: 63.1 acres
Land Use Designation: Low Density Residential
Annexed: No

Sub-Area 15, containing approximately 63 acres, surrounds the large historic house, Bel Voi, and is bounded on its outer limits by the Route 7 Bypass and the lowlands of Sub-Area 13 to the north, a well-defined drainage way to the west and the Battletown Subdivision to the south. The land is currently zoned Detached Residential-1 (DR-1). The entire Sub-Area is located outside of Town limits. The boundaries of this Sub-Area were revised with the 2015 Plan update to incorporate previous Sub-Area 14B, which was recommended for medium-low density residential uses. The revised Sub-Area 15 is now recommended for low-density residential uses consistent with the DR-1 zoning.

Approximately one-third of the area has slopes greater than fifteen percent, with a portion of the slopes exceeding twenty-five percent. The Sub-Area has minor, scattered tree cover and several defined drainage swales which must be addressed from both a site planning and stormwater management standpoint.

The land is highly visible from the Route 7 Bypass. In this regard, future development must be carefully sited. Further, land use proposals should respect the location and scale of the existing historic residence on adjoining Sub-Area 16.

Transportation planning for the Sub-Area should emphasize sensitively located linkages to and through Battletown Subdivision and the other Sub-Areas that make up this quadrant. However, given the low capacity nature of Battletown's residential streets, additional access options to Sub-Area 15 should be explored. A primary access to serve the entire Sub-Area shall be developed through Sub-Area 17 providing an uninterrupted, direct connection to Route 7 Business. Access to Route 7 Bypass is restricted. The internal street system within Sub-Area 15 should be aligned to provide secondary connections to Sub-Areas 14 and 17 and Battletown Subdivision in the town to the south but only after the aforementioned primary access is accepted for public use.

This Sub-Area, with substantial contiguous frontage to Route 7 Bypass, is designated for Low Density Residential uses. Based on preliminary planning analysis, the Sub-Area has an estimated land holding capacity for approximately 81 residential units. The clustering of housing should be a design objective for this Sub-Area.

As previously noted, the majority of Sub-Areas 13, 14, and 15 are in common ownership as of the 2015 Berryville Area Plan update. This presents the potential opportunity of facilitating a master plan development for these Sub-Areas including, but not limited to, the following elements:

- Transportation connectivity and improvements (see discussion under Sub-Area 15 and 17).
- Cluster design to reduce infrastructure costs and adverse environmental impacts.
- Walkability elements including sidewalks and walking trails.
- Viewshed protection.
- Master planning for public water, public sewer, and stormwater infrastructure.
- Cash proffers or other developer-funded improvements to mitigate the impact of new development on Town and County capital needs.

If supported by a master plan of development that effectively addresses these and other elements, Sub-Area 15 could support medium-low density residential development at a density of 4 units per acre. The original Berryville Area Plan identified Future Land Uses in Table V-1 and included planned yields for respective commercial and residential development. Of the residential development that has occurred in Annexation Area B through 2015, 195 residential units of the planned yield have not been constructed. Additional density that would allow for a portion of these units to be included in this Sub-Area should be considered.

Transportation access to Sub-Area 15 is a challenging element due to the fact that the historic Bel Voi house is located on an 11.47 acre parcel that overlaps Sub-Areas 15 and 16 and extends northward to Buckmarsh Run and the planning boundary with Sub-Area 13. Connectivity between the west and east sides of Sub-Area 15 can only be achieved with future cooperation with the owner of the Bel Voi parcel. Absent this participation, the challenge will be to develop separate access plans that do not adversely impact existing transportation networks.

SUB-AREA 16

Name: BEL VOI PRESERVATION AREA
Acreage: 8.9 acres
Land Use Designation: Historical/Cultural Preservation
Annexed: No

Sub-Area 16, containing approximately 9 acres, partially encompasses the property immediately surrounding the existing historic residence, Bel Voi, contiguous to Battletown Subdivision. The land is zoned Open Space Residential (OSR). The planning unit is surrounded on the west, north and east by Sub-Area 15 and on the south by the existing residential subdivision. The Sub-Area has not been annexed by the Town.

The Sub-Area is designated for planning purposes as historical and cultural preservation, recognizing the existing home and grounds, known as Bel Voi, for both its cultural and historical significance within the Berryville community (survey #21-142). The County's historic resources survey states that the north wing of the house was built circa 1825, with additions made in 1953 and 1971. In addition to the brick vernacular residence, a brick smoke house, and a 4-bay brick slave's quarters (renovated as a guest house) are also on the property. The geographical limits of the Sub-Area are so defined as to create sufficient setbacks and buffer opportunities from any

future development on the contiguous undeveloped property. Given its high visibility and unique architectural features, Bel Voi should be preserved and considered as a focal point around which any future land uses should be carefully sited.

It should be noted that the historic Bel Voi home lies on an 11.47 acre parcel that is mostly within Sub-Area 16 but also partially extends into Sub-Area 15 to Buckmarsh Run adjacent to the environmentally-sensitive Sub-Area 13. The boundaries of Sub-Area 15 were originally drawn not to capture the physical boundaries of this parcel, but to account for existing topography and viewsheds surrounding the historic home. As noted in the description for Sub-Area 15, the boundaries of the Bel Voi parcel present some challenges to the future master planning of development on adjacent Sub-Areas. Regardless of the participation of the owner of Bel Voi in a future development project, it is recommended that the boundaries and recommended development density of Sub Area 16 be retained and any adjoining development project shall provide appropriate mitigation measures (e.g., buffers, architectural features) to further protect the historic home.

SUB-AREA 17

Name: EASTERN GATEWAY
Acreage: 15.1 acres
Land Use Designation: Low Density Residential
Annexed: No

A residual portion of Audley Farm when the Route 7 Bypass was constructed, Sub-Area 17, containing approximately 16.0 acres, is located immediately west of the Route 7 Bypass/Route 7 Business intersection, at the easterly entrance into the Berryville Area. This land has its northern border defined by the Route 7 Bypass, southern and eastern borders defined by Route 7 Business, and Sub-Area 15 and Battletown Subdivision in the Town establishing its western limits. This Sub-Area is zoned Detached Residential-1 (DR-1) and has not been annexed by the Town.

The land is highly visible from the Route 7 Bypass/Business intersection and is considered the eastern entrance to the Town of Berryville. Future development should be designed with frontage roads, significant landscape buffers, or other devices to present the most attractive face of a development toward this important entry corridor.

Transportation planning for Sub-Area 17 should be analyzed for appropriate access. The priority in planning for the transportation element in this area (including Sub-Areas 13, 14, 15, 16, and 17) should be to explore an access point to Route 7 Business for a future local collector road system, in addition to the public rights-of-way through Battletown subdivision. This local collector road would serve as the primary means of ingress/egress for future development in the aforementioned Sub-Areas. The priority should be to develop a new access to Route 7 Business before accessing existing stub streets in the Battletown subdivision.

As previously noted, the majority of Sub-Areas 13, 14, and 15, are in common ownership as of the 2015 Berryville Area Plan update. This presents the potential opportunity of facilitating a master plan development for these Sub-Areas with the owner of Sub-Area 17 including, but not limited to, the following elements:

- Transportation connectivity and improvements (see discussion under Sub-Areas 15 and 17).
- Cluster design to reduce infrastructure costs and adverse environmental impacts.
- Walkability elements including sidewalks and walking trails.
- Viewshed protection.
- Master planning for public water, public sewer, and stormwater infrastructure.
- Cash proffers or other developer-funded improvements to mitigate the impact of new development on Town and County capital needs.

If supported by a master plan of development that effectively addresses these and other elements, Sub-Area 17 could support medium-low density residential development at a density of 4 units per acre.

SUB-AREA 18

Name: BERRYVILLE GLEN
Acreage: 75.1 acres
Land Use Designation: Low Density Residential
Annexed: Yes

Sub-Area 18, containing approximately 75 acres, is situated on the southern side of Town and comprises the southeast limits of Annexation Area B. This Sub-Area is bounded on the northeast and southeast by Springsbury Road and on the southwest by the boundary of Annexation Area B. The remaining border generally follows the ridge of a drainage divide that embraces the entire northwest edge of the Sub-Area. The Sub-Area is adjacent to a historic property zoned Open Space Residential and a 12.57-acre parcel zoned Business Park BP. The zoning is Detached Residential-1 (DR-1). At the time of this Plan update, the Sub-Area, known as Berryville Glen, had been subdivided into 71 single-family lots and new homes are currently under construction. This Sub-Area has been annexed by the Town.

The land is generally well drained overland and does not pose significant runoff problems. This Sub-Area is designated for Low Density Residential uses. This is most easily supported by the property's proximity to agricultural zoning and land uses on three sides. Development of this Sub-Area for comparatively denser residential uses is justified by its proximity to existing development in the town and to public services, especially water. Land use proposals should incorporate the development of appropriate neighborhood open spaces and a landscaped, passive park internal to the development. Landscaping, setbacks, and home siting should be sensitive to the historical/cultural preservation uses programmed for Sub-Area 19B.

This Sub-Area was originally programmed for 116 single-family residential units. The overall development plan for Berryville Glen utilizes the entire Sub-Area for the development of the approved 71 lots, leaving 45 unused residential units from the original planned yield. Absent a future redevelopment plan of Berryville Glen, it would be appropriate to consider moving these unused residential units to another Sub-Area in order to maximize development potential.

TABLE 12 -- FUTURE LAND USE TABLE AND PROJECTED DEVELOPMENT YIELDS

| Sub Area | Title | Planned Land Use | Residential Types | Planned Density | Original Area (acres) | Approx. Area (acres) | Original Yield | Revised Yield (2015) | Res. Units Used (2015) ⁶ | Remaining Res. Units ⁶ | Unbuilt Res. Units ⁶ |
|----------|--|----------------------------|-------------------|------------------|-----------------------|----------------------|----------------------------|-----------------------|-------------------------------------|-----------------------------------|---------------------------------|
| 1 | Western Gateway | Institutional ¹ | SFD, SFA, MF/OPR | n/a ¹ | 23 | 16.6 | n/a ¹ | n/a ¹ | 0 | n/a ¹ | n/a ¹ |
| 2 | Fairgrounds | Institutional ¹ | SFD, SFA, MF/OPR | n/a ¹ | 55 | 58.9 | n/a ¹ | n/a ¹ | 0 | n/a ¹ | n/a ¹ |
| 3 | CCHS/Battlefield Estates South | Low-Density Res. | SFD | 2 RU/AC | 87 | 84.4 | 143 | same | 73 | 71 | 1 |
| 4 | Battlefield Estates North | Low-Density Res. | SFD | 2 RU/AC | 61 | 50.1 | 80 | same | 63 | 18 | 7 |
| 5 | Battlefield Estates East | Med-Low Density Res. | SFD | 4 RU/AC | 22 | 30.8 | 62 | same | 58 | 0 | 4 |
| 6 | Battlefield Estates Business | Business/Office | n/a | 0.3 FAR | 10 | 15.95 | 95,000 SF/GLA | same | n/a | n/a | n/a |
| 6A | Mosby Flexible Residential Area | Med-Density OPR | SFD, SFA, MF/OPR | n/a ² | 18 | 19.2 | 300 (max 120 multi-family) | see note ⁸ | 3 | n/a ² | n/a ² |
| 7 | Northern Gateway/Mosby Highway Commercial | Highway-Visitor Comm. | n/a | 0.3 FAR | 22 | 23.1 | 200,000 SF/GLA | same | n/a | n/a | n/a |
| 8 | Green Hill Cemetery (REMOVED) | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| 9 | Northern Residential Growth Area | Low-Density Res. | SFD | 2 RU/AC | 33 | 41.7 | 54 | 54 | 54 | 0 | 54 |
| 10 | First Street Residential Area | Low-Density Res. | SFD | 2 RU/AC | 36 | 9.5 | 51 | 6 | 0 | 6 | 6 |
| 11 | Soldier's Rest Preservation Area | Limited Residential | SFD | 1 RU/10 AC | 14 | 13.8 | 1 | same | 1 | 0 | 0 |
| 12A | First Street Conservation Area | Limited Residential | SFD | 1 RU/10 AC | 22 | 26.3 | 2 | 0 | 0 | 0 | 0 |
| 12B | First Street Light Industrial Area | Light Industrial | n/a | 0.3 FAR | 8 | 6.5 | 75,000 SF/GLA | same | n/a | n/a | n/a |
| 13 | Buckmarsh Run Conservation Area | Limited Residential | SFD | 1 RU/10 AC | 29 | 32 | 2 | 3 | 0 | 3 | 3 |
| 14 | Northeast Residential Transition Area | Med-Low Density Res. | SFD | 4 RU/AC | 8 | 7.2 | n/a ⁴ | 28 | 0 | 28 | 0 |
| 15 | Northeastern Residential Growth Area | Low-Density Res. | SFD | 2 RU/AC | 52 | 63.1 | 81 | same ⁷ | 0 | 81 | 0 |
| 16 | Bel Voi Preservation Area | Limited Residential | SFD | 1 RU/10 AC | 13 | 8.9 | 1 | same | 1 | 0 | 0 |
| 17 | Eastern Gateway | Low-Density Res. | SFD | 2 RU/AC | 16 | 15.1 | 25 | same | 0 | 25 | 0 |
| 18 | Berryville Glen | Low-Density Res. | SFD | 2 RU/AC | 73 | 75.1 | 116 | same | 45 | 45 | 26 |
| 19A | Jack Enders Blvd. East Light Industrial Area | Light Industrial | n/a | 0.3 FAR | 12 | 12.57 | 110,000 SF/GLA | same | n/a | n/a | n/a |
| 19B | Dandridge Acres Preservation Area | Limited Residential | SFD | 1 RU/10 AC | 12 | 10 | 1 | same | 1 | 0 | 0 |
| 20 | Johnson-Williams Institutional Area | Institutional ¹ | SFD, SFA, MF/OPR | n/a ¹ | 10 | 10.3 | n/a ¹ | same | 40 ³ | n/a ¹ | n/a ¹ |
| 21 | Clarke County Business Park ⁵ | Light Ind./Research | n/a | 0.3 FAR | 73 | 73.6 | 668,000 SF/GLA | same | n/a | n/a | n/a |

TABLE 12 -- FUTURE LAND USE TABLE AND PROJECTED DEVELOPMENT YIELDS

| Sub Area | Title | Planned Land Use | Residential Types | Planned Density | Original Area (acres) | Approx. Area (acres) | Original Yield | Revised Yield (2015) | Res. Units Used (2015) ⁶ | Remaining Res. Units ⁶ | Unbuilt Res. Units ⁶ |
|----------|--|----------------------|-------------------|-----------------|-----------------------|----------------------|----------------|----------------------|-------------------------------------|-----------------------------------|---------------------------------|
| 22 | South Church St. Residential Area | Med-Low Density Res. | SFD | 4 RU/AC | 20 | 19 | 35 | same | 4 | 31 | 0 |
| 23 | Craig's Run Light Industrial Area | Light Industrial | n/a | 0.3 FAR | 32 | 32.2 | 290,000 SF/GLA | same | n/a | n/a | n/a |
| 24 | Southgate/Northern Portion (REMOVED) | | | | | | | | | 3 | |
| 25 | Southgate Residential Area | Med-Low Density Res. | SFD | 4 RU/AC | 3 | 4.7 | 8 | 7 | 4 | 3 | 3 |
| 26 | Hermitage Blvd. Residential Area | Med-Low Density Res. | SFD | 4 RU/AC | 11 | 38.6 | 25 | 38 | 38 | 0 | 0 |
| 27A | Hermitage Residential Growth Area | Low-Density Res. | SFD | 2 RU/AC | 57 | 34.4 | 91 | same | 0 | 55 | 36 |
| 27B | Southern Gateway Residential Growth Area | Low-Density Res. | SFD | 2 RU/AC | 7 | 7 | 14 | same | 0 | 14 | 0 |

¹ The Institutional Planning Designation recommends housing for low to moderate income, elderly, and handicapped individuals. Density is driven by the zoning district classification assigned to the parcel.

² Density of Older Persons Residential is to be determined by site plan for specific projects.

³ Existing Johnson-Williams Apartments contains 40 residential units

⁴ Sub-Area 14 was originally listed as Sub-Area 14A and recommended for Light Industrial Uses

⁵ Sub-Area 21 (Clarke County Business Park) is composed of original Sub-Areas 19A, 19D, 21A, and 21B.

⁶ Residential units used refers to the number of units constructed and to be subtracted from the total yield. Accurate as of April 2016.

Remaining residential units refers to units remaining from the total yield that have not been assigned to a future development via plat or plan approval.

Unbuilt residential units refers to units that have been approved by the governing body via subdivision plat or site plan but have not been developed.

⁷ Sub-Area 15 may be a candidate for additional density at 4 units/acre with additional units taken from the total number of unused units in the Annexation Area.

⁸ Sub-Area 6A includes an alternate design option allowing a maximum of 50 units to be developed under the Attached Residential (AR) zoning district.

SFD: Single-family detached residential

SFA: Single-family attached residential (duplex, triplex, quadplex, townhouse)

MF/OPR: Multi-family older persons residential (apartments, condominiums)

RU: Residential unit

AC: Acre

Potential Sub-Areas with unused residential units that could be re-allocated to other Sub-Areas subject to Plan recommendations.

SECTION 508 - AMENDMENTS

- 508.1** Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Town Council may by ordinance amend, supplement, or change the regulations of the Zoning Ordinance (text amendment) or the zoning district boundaries or classifications of property (rezoning/zoning map amendment). **(11/02)**
- 508.2** Such amendments may be initiated (i) by resolution of the Governing Body, or (ii) by motion of the Planning Commission. Any such resolution or motion shall state the above public purpose therefor. **(11/02)**
- 508.3** A rezoning/zoning map amendment may be initiated by petition of the owner, contract purchaser with the owner's written consent, or owner's agent therefor of the property which is the subject of the proposed rezoning/zoning map amendment. **(11/02)**
- 508.4** An owner of property in the Town, or citizen of the Town, may request the Town Council or the Planning commission, in writing, to initiate a text amendment. The determination of whether to initiate a text amendment shall be in the sole discretion of the Town Council or Planning Commission. The property owner or citizen shall submit with the written request any applicable fee, which shall be returned to such property owner or citizen less the expended fees if the Town Council or Planning Commission elects not to initiate the requested text amendment. **(11/02)**
- 508.5** Any proposed text amendment or rezoning/zoning map amendment shall be referred to the Planning Commission for its recommendation. **(11/02)**
- 508.6**
- (a) All amendments shall be advertised and written notices provided as required by Section 15.2-2204, Code of Virginia.
 - (b) In the case of a proposed rezoning/zoning map amendment, the public notice shall state the general usage and density range, if any, of the proposed amendment, and the general usage and density range, if any, set forth in the applicable part of the Comprehensive Plan.
 - (c) In the case of a proposed rezoning/zoning map amendment initiated under Section 507.3, the Town Planning Office shall be responsible for the giving of all written notices required by Section 15.2-2204. At least five (5) days prior to the first public hearing, the Town Planner shall supply an affidavit that the required written notices have been sent and a list of the persons to whom such written notice has been sent. **(11/02)**
- 508.7** A public hearing shall be held on a proposed amendment by the Planning Commission and by the Town Council, which public hearing may be joint. **(11/02)**
- 508.8** The Planning Commission shall act upon any proposed amendment referred to it within one hundred (100) days of the first meeting of the Planning Commission (i) after a resolution of the Town Council initiating the amendment, or (ii) after receipt of a complete application for a rezoning/zoning map amendment. Unless the time period is extended by resolution of the Town Council or by the request or consent in writing of the applicant for

Section 508 – Amendments

a rezoning/zoning map amendment, or unless the proposed amendment is withdrawn by the Town Council or the applicant, failure of the Planning Commission to act within said one hundred (100)-day period shall be deemed a recommendation for approval by the Planning Commission of the proposed amendment. (11/02)

- 508.9** The Town Council shall act upon any proposed amendment within one (1) year (i) after the initiation of the proposed amendment by the Town Council or the Planning Commission or (ii) after receipt of a complete application for a rezoning/zoning map amendment, unless the applicant requests or consents to action beyond such period or withdraws the request for the proposed amendment. (11/02)
- 508.10** In the event of and upon a withdrawal of a request for an amendment, processing of the proposed amendment shall cease without further action. (11/02)
- 508.11** If a petition for a proposed rezoning/zoning map amendment initiated under Section 507.3 is denied by the Town Council, substantially the same petition may not be filed for a period of one (1) year. (11/02)

SECTION 509 - AMENDMENTS WITH PROFFERED CONDITIONS

(1/90)

509.1 VOLUNTARY PROFFERED CONDITIONS

Pursuant to Section 15.1-491.2:1 of the Code of Virginia, the Planning Commission and/or the Town Council may consider reasonable conditions to be applied to a rezoning amendment initiated pursuant to Section 507.4 of this Ordinance provided:

- (a) The conditions are voluntarily submitted by the applicant;
- (b) Proposed proffered conditions are in writing and signed by all of the legal and equitable owners of the property which is the subject of the proposed amendment;
- (c) The proposed conditions are in accordance with the Comprehensive Plan;
- (d) The proposed conditions bear a reasonable relation to the rezoning;
- (e) The proposed conditions are received by the Planning Commission and/or the Town Council prior to commencement of the public hearing of the Planning Commission and/or the Town Council at which the proposed rezoning amendment is to be considered; and
- (f) The proposed conditions are in full accordance with Section 15.1-491.2:1 of the Code of Virginia.

509.2 EFFECT OF CONDITIONS

Upon approval of any rezoning approved subject to proffered conditions, all conditions proffered by the applicant and accepted by the Town Council shall be deemed part of the zoning regulations affecting the district in which the parcel is classified. Such conditions shall remain in force until fully performed by the applicant or amended or released by the Town Council in accordance with Section 15.1-491.6 of the Code of Virginia.

509.3 PROFFERED CONDITION REGULATIONS

Following approval of any zoning approved subject to proffered conditions, no site plan, subdivision plan, or development plan thereafter submitted for the development of the property in question shall be approved unless in substantial conformity with all proffered conditions, and no agent or official of the Town shall have the power to permit any development or construction upon the property not in substantial conformance with such proffered conditions.

509.4 PROFFERED AMENDMENTS

Proffered conditions may be amended or released by the Town Council upon application for zoning amendment submitted in accordance with Section 507. Any such amendment shall be the subject of a public hearing in accordance with the provisions of Section 507.1.

509.5 ZONING MAP NOTATION AND CONDITIONAL ZONING INDEX

Each rezoning shall be designated on the Zoning Map by an appropriate symbol designated by the Zoning Administrator. In addition, the Zoning Administrator shall keep and maintain the conditional zoning index, which shall be available for public inspection and which shall provide ready access to the ordinance creating such conditions.

Section 509 – Amendments with Proffered Conditions

509.6 AUTHORITY OF ZONING ADMINISTRATOR; GUARANTEES OF CONDITIONS

The Zoning Administrator shall be vested with all necessary authority on behalf of the Town Council to administer and enforce conditions attached to a rezoning, including ordering in writing the remedy of any noncompliance with such conditions; the bringing of legal action to ensure compliance with such conditions, including injunction, abatement, or other appropriate action or proceeding; and requiring a guarantee, satisfactory to the Governing Body, in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions, or a contract for the construction of such improvements and the contractor's guarantee in like amount and so conditioned, which guarantee may be reduced or released by the Governing Body, or agent thereof, upon the submission of satisfactory evidence that construction of said improvements has been completed in whole or in part. Failure to meet all conditions shall constitute cause to deny the issuance of any of the required use, occupancy, or building permits as may be appropriate.

509.7 APPLICATION PROCEDURES FOR PROFFERED CONDITION AMENDMENTS

(a) Site development plan

Every petition for a zoning amendment which proposes conditions to be applied to the rezoning shall be accompanied by five (5) copies of a site development plan prepared in accordance with the requirements of Section 314 of this Ordinance.

(b) Additional requirements

In addition to the application forms and site development plan, each application for conditional rezoning shall include:

1. A statement explaining the relationship of the development to the adopted Comprehensive Plan of the Town of Berryville.
2. A statement or presentation setting forth the maximum number of dwelling units proposed for any residential development, and the density and open space calculations when required by this Ordinance.
3. A statement certifying that the proposed development conforms to the provisions of all applicable ordinances, regulations, and adopted standards. Any waiver, exception, or variance sought by the applicant from such ordinances, regulations, and standards shall be specifically noted on the development plan.
4. A statement of those special amenities that are proposed within the development.
5. A statement of the public improvements, both on- and off-site, that are proposed for dedication and/or construction, and an estimate of the timing of providing such improvements.
6. A statement setting forth the proposed approximate development schedule.
7. Any additional information that the applicant may desire to proffer in the consideration of the application.

(c) Statement regarding conditions

All petitions, statements, plans, and other materials submitted with an application for conditional zoning shall be annotated with the following statement signed by the applicant and the owner. The signed statement shall be made prior to the public hearing before the Town Council: "I hereby proffer that the development of the

Section 509 – Amendments with Proffered Conditions

subject property of this application shall be in strict accordance with the conditions set forth in this submission.” The proffered conditions shall be then set forth in full.

509.8 ADDITIONAL PROFFERED CONDITION REGULATIONS

Proffered conditions shall include written statements, development plans, and/or other materials proffered in accordance with the provisions of Section 507.5 and approved by the Town Council in conjunction with the approval of an amendment to the Zoning Map. Proffered conditions shall be subject to the additional procedures and regulations as follows:

- (a) Conditions are in addition to district regulations
Such proffered conditions shall become a part of the zoning regulations applicable to the property in question, unless subsequently changed by an amendment to the Zoning Map, and such conditions shall be in addition to the specific regulations set forth in this Ordinance for the zoning district in question.
- (b) Meaning of “substantial conformance”
For the purposes of this Section, “substantial conformance” shall mean that conformance which leaves a reasonable margin for adjustment due to final engineering data but conforms with the general nature of the development, the specific uses, and the general layout depicted by the plans, and other material presented by the applicant.
- (c) Amendment to proffered conditions
Once conditions have been approved, and there is cause of an amendment which would not be in substantial conformance with the proffered conditions, or there is a request to proffer conditions on a parcel not currently the subject of a proffered condition, then an application shall be filed for an amendment. If the amendment concerns an approved site development plan, such application shall include the submission requirements for a site development plan set forth in Section 507.5, except the Zoning Administrator may waive any submission requirement if such requirement is not necessary for an adequate review of the generalized development plan amendment application. Such amendment shall be the subject of a public hearing in accordance with the provisions of Section 507.1

509.9 TRANSFER OF PROFFERS BETWEEN TOWN AND COUNTY

Proffered conditions on any parcel as to which proffers apply by virtue of prior zoning action by the County shall continue to apply upon annexation of the parcel and placement of the parcel in the same or similar zoning district in Town. (12/99)

509.10 PETITION FOR REVIEW OF DECISION

Any zoning applicant who is aggrieved by the decision of the Zoning Administrator pursuant to the provisions of Section 508 may petition the Governing Body for a review of the decision of the Zoning Administrator.

(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.

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- (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)**

Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 22. Planning, Subdivision of Land and Zoning

§ 15.2-2296. Conditional zoning; declaration of legislative policy and findings; purpose.

It is the general policy of the Commonwealth in accordance with the provisions of § [15.2-2283](#) to provide for the orderly development of land, for all purposes, through zoning and other land development legislation. Frequently, where competing and incompatible uses conflict, traditional zoning methods and procedures are inadequate. In these cases, more flexible and adaptable zoning methods are needed to permit differing land uses and the same time to recognize effects of change. It is the purpose of §§ [15.2-2296](#) through [15.2-2300](#) to provide a more flexible and adaptable zoning method to cope with situations found in such zones through conditional zoning, whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community that are not generally applicable to land similarly zoned. The exercise of authority granted pursuant to §§ [15.2-2296](#) through [15.2-2302](#) shall not be construed to limit or restrict powers otherwise granted to any locality, nor to affect the validity of any ordinance adopted by any such locality which would be valid without regard to this section. The provisions of this section and the following six sections shall not be used for the purpose of discrimination in housing.

1978, c. 320, § 15.1-491.1; 1997, c. 587.

Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 22. Planning, Subdivision of Land and Zoning

§ 15.2-2297. Same; conditions as part of a rezoning or amendment to zoning map.

A. A zoning ordinance may include and provide for the voluntary proffering in writing, by the owner, of reasonable conditions, prior to a public hearing before the governing body, in addition to the regulations provided for the zoning district or zone by the ordinance, as a part of a rezoning or amendment to a zoning map; provided that (i) the rezoning itself must give rise for the need for the conditions; (ii) the conditions shall have a reasonable relation to the rezoning; (iii) the conditions shall not include a cash contribution to the locality; (iv) the conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities not otherwise provided for in § [15.2-2241](#); (v) the conditions shall not include a requirement that the applicant create a property owners' association under the Property Owners' Association Act (§ [55.1-1800](#) et seq.) which includes an express further condition that members of a property owners' association pay an assessment for the maintenance of public facilities owned in fee by a public entity, including open space, parks, schools, fire departments and other public facilities not otherwise provided for in § [15.2-2241](#); however, such facilities shall not include sidewalks, special street signs or markers, or special street lighting in public rights-of-way not maintained by the Department of Transportation; (vi) the conditions shall not include payment for or construction of off-site improvements except those provided for in § [15.2-2241](#); (vii) no condition shall be proffered that is not related to the physical development or physical operation of the property; and (viii) all such conditions shall be in conformity with the comprehensive plan as defined in § [15.2-2223](#). The governing body may also accept amended proffers once the public hearing has begun if the amended proffers do not materially affect the overall proposal. Once proffered and accepted as part of an amendment to the zoning ordinance, the conditions shall continue in effect until a subsequent amendment changes the zoning on the property covered by the conditions. However, the conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

B. In the event proffered conditions include a requirement for the dedication of real property of substantial value or construction of substantial public improvements, the need for which is not generated solely by the rezoning itself, then no amendments to the zoning map for the property subject to such conditions, nor the conditions themselves, nor any amendments to the text of the zoning ordinance with respect to the zoning district applicable thereto initiated by the governing body, which eliminate, or materially restrict, reduce, or modify the uses, the floor area ratio, or the density of use permitted in the zoning district applicable to such property, shall be effective with respect to such property unless there has been mistake, fraud, or a change in circumstances substantially affecting the public health, safety, or welfare.

C. Any landowner who has prior to July 1, 1990, proffered the dedication of real property of substantial value or construction of substantial public improvements, the need for which is not generated solely by the rezoning itself, but who has not substantially implemented such proffers prior to July 1, 1990, shall advise the local governing body by certified mail prior to July 1, 1991, that he intends to proceed with the implementation of such proffers. The notice shall identify the property to be developed, the zoning district, and the proffers applicable thereto. Thereafter, any landowner giving such notice shall have until July 1, 1995, substantially to implement the proffers, or such later time as the governing body may allow. Thereafter, the landowner in good faith shall diligently pursue the completion of the development of the property.

Any landowner who complies with the requirements of this subsection shall be entitled to the protection against action initiated by the governing body affecting use, floor area ratio, and density set out in subsection B, unless there has been mistake, fraud, or a change in circumstances substantially affecting the public health, safety, or welfare, but any landowner failing to comply with the requirements of this subsection shall acquire no rights pursuant to this section.

D. The provisions of subsections B and C of this section shall be effective prospectively only, and not retroactively, and shall not apply to any zoning ordinance text amendments which may have been enacted prior to March 10, 1990. Nothing contained herein shall be construed to affect any litigation pending prior to July 1, 1990, or any such litigation nonsuited and thereafter refiled.

Nothing in this section shall be construed to affect or impair the authority of a governing body to:

1. Accept proffered conditions which include provisions for timing or phasing of dedications, payments, or improvements; or
2. Accept or impose valid conditions pursuant to subdivision A 3 of § [15.2-2286](#) or other provision of law.

1978, c. 320, § 15.1-491.2; 1982, c. 293; 1990, c. 868; 1997, c. [587](#); 2001, c. [703](#); 2006, c. [450](#).

Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 22. Planning, Subdivision of Land and Zoning

§ 15.2-2298. Same; additional conditions as a part of rezoning or zoning map amendment in certain high-growth localities.

A. Except for those localities to which § [15.2-2303](#) is applicable, this section shall apply to (i) any locality which has had population growth of 5% or more from the next-to-latest to latest decennial census year, based on population reported by the United States Bureau of the Census; (ii) any city adjoining such city or county; (iii) any towns located within such county; and (iv) any county contiguous with at least three such counties, and any town located in that county. However, any such locality may by ordinance choose to utilize the conditional zoning authority granted under § [15.2-2303](#) rather than this section.

In any such locality, notwithstanding any contrary provisions of § [15.2-2297](#), a zoning ordinance may include and provide for the voluntary proffering in writing, by the owner, of reasonable conditions, prior to a public hearing before the governing body, in addition to the regulations provided for the zoning district or zone by the ordinance, as a part of a rezoning or amendment to a zoning map, provided that (i) the rezoning itself gives rise to the need for the conditions; (ii) the conditions have a reasonable relation to the rezoning; and (iii) all conditions are in conformity with the comprehensive plan as defined in § [15.2-2223](#).

Reasonable conditions may include the payment of cash for any off-site road improvement or any off-site transportation improvement that is adopted as an amendment to the required comprehensive plan and incorporated into the capital improvements program, provided that nothing herein shall prevent a locality from accepting proffered conditions which are not normally included in a capital improvement program. For purposes of this section, "road improvement" includes construction of new roads or improvement or expansion of existing roads as required by applicable construction standards of the Virginia Department of Transportation to meet increased demand attributable to new development. For purposes of this section, "transportation improvement" means any real or personal property acquired, constructed, improved, or used for constructing, improving, or operating any (i) public mass transit system or (ii) highway, or portion or interchange thereof, including parking facilities located within a district created pursuant to this title. Such improvements shall include, without limitation, public mass transit systems, public highways, and all buildings, structures, approaches, and facilities thereof and appurtenances thereto, rights-of-way, bridges, tunnels, stations, terminals, and all related equipment and fixtures.

Reasonable conditions shall not include, however, conditions that impose upon the applicant the requirement to create a property owners' association under the Property Owners' Association Act (§ [55.1-1800](#) et seq.) which includes an express further condition that members of a property association pay an assessment for the maintenance of public facilities owned in fee by a public entity, including open space, parks, schools, fire departments, and other public facilities not otherwise provided for in § [15.2-2241](#); however, such facilities shall not include sidewalks, special street signs or markers, or special street lighting in public rights-of-way not maintained by the Department of Transportation. The governing body may also accept amended proffers once the public hearing has begun if the amended proffers do not materially affect the overall proposal. Once proffered and accepted as part of an amendment to the zoning ordinance, the conditions shall continue in effect until a subsequent amendment changes the zoning on the property covered by the conditions; however, the conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

No proffer shall be accepted by a locality unless it has adopted a capital improvement program pursuant to § [15.2-2239](#) or local charter. In the event proffered conditions include the dedication of real property or payment of cash, the property shall not transfer and the payment of cash shall not be made until the facilities for which the property is dedicated or cash is tendered are included in the capital improvement program, provided that nothing herein shall prevent a locality from accepting proffered conditions which are not normally included in a capital improvement

program. If proffered conditions include the dedication of real property or the payment of cash, the proffered conditions shall provide for the disposition of the property or cash payment in the event the property or cash payment is not used for the purpose for which proffered.

B. In the event proffered conditions include a requirement for the dedication of real property of substantial value, or substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the rezoning itself, then no amendment to the zoning map for the property subject to such conditions, nor the conditions themselves, nor any amendments to the text of the zoning ordinance with respect to the zoning district applicable thereto initiated by the governing body, which eliminate, or materially restrict, reduce, or modify the uses, the floor area ratio, or the density of use permitted in the zoning district applicable to the property, shall be effective with respect to the property unless there has been mistake, fraud, or a change in circumstances substantially affecting the public health, safety, or welfare.

C. Any landowner who has prior to July 1, 1990, proffered the dedication of real property of substantial value, or substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the rezoning itself, but who has not substantially implemented such proffers prior to July 1, 1990, shall advise the local governing body by certified mail prior to July 1, 1991, that he intends to proceed with the implementation of such proffers. The notice shall identify the property to be developed, the zoning district, and the proffers applicable thereto. Thereafter, any landowner giving such notice shall have until July 1, 1995, substantially to implement the proffers, or such later time as the governing body may allow. Thereafter, the landowner in good faith shall diligently pursue the completion of the development of the property. Any landowner who complies with the requirements of this subsection shall be entitled to the protection against action initiated by the governing body affecting use, floor area ratio, and density set out in subsection B above, unless there has been mistake, fraud, or a change in circumstances substantially affecting the public health, safety, or welfare, but any landowner failing to comply with the requirements of this subsection shall acquire no rights pursuant to this section.

D. The provisions of subsections B and C of this section shall be effective prospectively only, and not retroactively, and shall not apply to any zoning ordinance text amendments which may have been enacted prior to March 10, 1990. Nothing contained herein shall be construed to affect any litigation pending prior to July 1, 1990, or any such litigation nonsuited and thereafter refiled.

Nothing in this section shall be construed to affect or impair the authority of a governing body to:

1. Accept proffered conditions which include provisions for timing or phasing of dedications, payments, or improvements; or
2. Accept or impose valid conditions pursuant to subdivision A 3 of § [15.2-2286](#) or other provision of law.

1989, c. 697, § 15.1-492.2:1; 1990, c. 868; 1991, c. 233; 1997, c. [587](#); 2001, c. [703](#); 2006, cc. [450](#), [882](#); 2007, c. [324](#).

Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 22. Planning, Subdivision of Land and Zoning

§ 15.2-2299. Same; enforcement and guarantees.

The zoning administrator is vested with all necessary authority on behalf of the governing body of the locality to administer and enforce conditions attached to a rezoning or amendment to a zoning map, including (i) the ordering in writing of the remedy of any noncompliance with the conditions; (ii) the bringing of legal action to insure compliance with the conditions, including injunction, abatement, or other appropriate action or proceeding; and (iii) requiring a guarantee, satisfactory to the governing body, in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions, or a contract for the construction of the improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the governing body, or agent thereof, upon the submission of satisfactory evidence that construction of the improvements has been completed in whole or in part. Failure to meet all conditions shall constitute cause to deny the issuance of any of the required use, occupancy, or building permits, as may be appropriate.

1978, c. 320, § 15.1-491.3; 1983, c. 221; 1997, c. 587.

Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 22. Planning, Subdivision of Land and Zoning

§ 15.2-2300. Same; records.

The zoning map shall show by an appropriate symbol on the map the existence of conditions attaching to the zoning on the map. The zoning administrator shall keep in his office and make available for public inspection a Conditional Zoning Index. The Index shall provide ready access to the ordinance creating conditions in addition to the regulations provided for in a particular zoning district or zone. The Index shall also provide ready access to all proffered cash payments and expenditures disclosure reports prepared by the local governing body pursuant to § [15.2-2303.2](#). The zoning administrator shall update the Index annually and no later than November 30 of each year.

1978, c. 320, § 15.1-491.4; 1997, c. 587; 2004, c. [531](#).

LAND DEVELOPMENT APPLICATION TOWN OF BERRYVILLE

(Please print or type)

Current Property Owner Friant Enterprises #1, LLC; Friant Enterprises #2, LLC; Friant Enterprises #3, LLC

Owner's Address 1504 Charles Town, WV 25414

Phone 304-261-6238 (Katherine) & 434-981-1893 (Caroline)

Agent (Contact Person) DR HORTON, INC. TONY FREE, VICE PRESIDENT

Agent's Address 7925 JONES BRANCH DRIVE TYSONS, VA 22102

Phone 301-481-8934

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: DR HORTON- FRIANT RESIDENTIAL REZONING PROJECT

Tax Map & Parcel Number(s): 14-A-80 & 14-A-112

Size of Project Site: 100 AC.

Proposed # of Lots: 214 Existing Zoning OSR, DR-1,DR-2, BP

~~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: Tony Free Date: 8/3/23

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: Caroline Revercomb Date: 08/03/2023

OFFICE USE ONLY

Public Hearing Required? _____ Dates Advertised _____

Adjoining Property Owners Notified? _____

Action Taken: _____

FRIANT

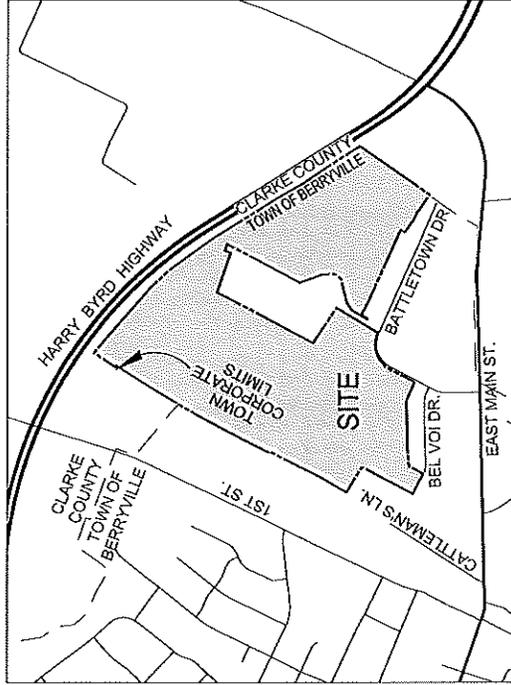
MASTER ZONING PLAN

TOWN OF BERRYVILLE
CLARKE COUNTY, VIRGINIA

SUBJECT PARCELS: TAX MAP #14 A 80& 14 A 112

OWNER
FRIANT ENTERPRISES, LP, LLP
1504 EARL RD
CHARLES TOWN, WV 25414

DEVELOPER
D.R. HORTON
7925 JONES BRANCH DRIVE, SUITE 6200
TYSONS, VA 22012
CONTACT: PRIVA TIWARI
(643) 223-3152
ptiwari@drhorton.com



VICINITY MAP
SCALE: 1" = 500'

SHEET INDEX

- 1.....COVER SHEET
- 2.....EXISTING CONDITIONS
- 3.....ZONING PLAN
- 4.....LAND USE PLAN
- 5.....OPEN SPACE PLAN
- 6.....UTILITY PLAN
- 7.....TRANSPORTATION PLAN

FRIANT

MASTER ZONING PLAN

DATE: 07/31/2023

SHEET: 1 OF 7

TOWN OF BERRYVILLE, VIRGINIA
CLARKE COUNTY, VIRGINIA

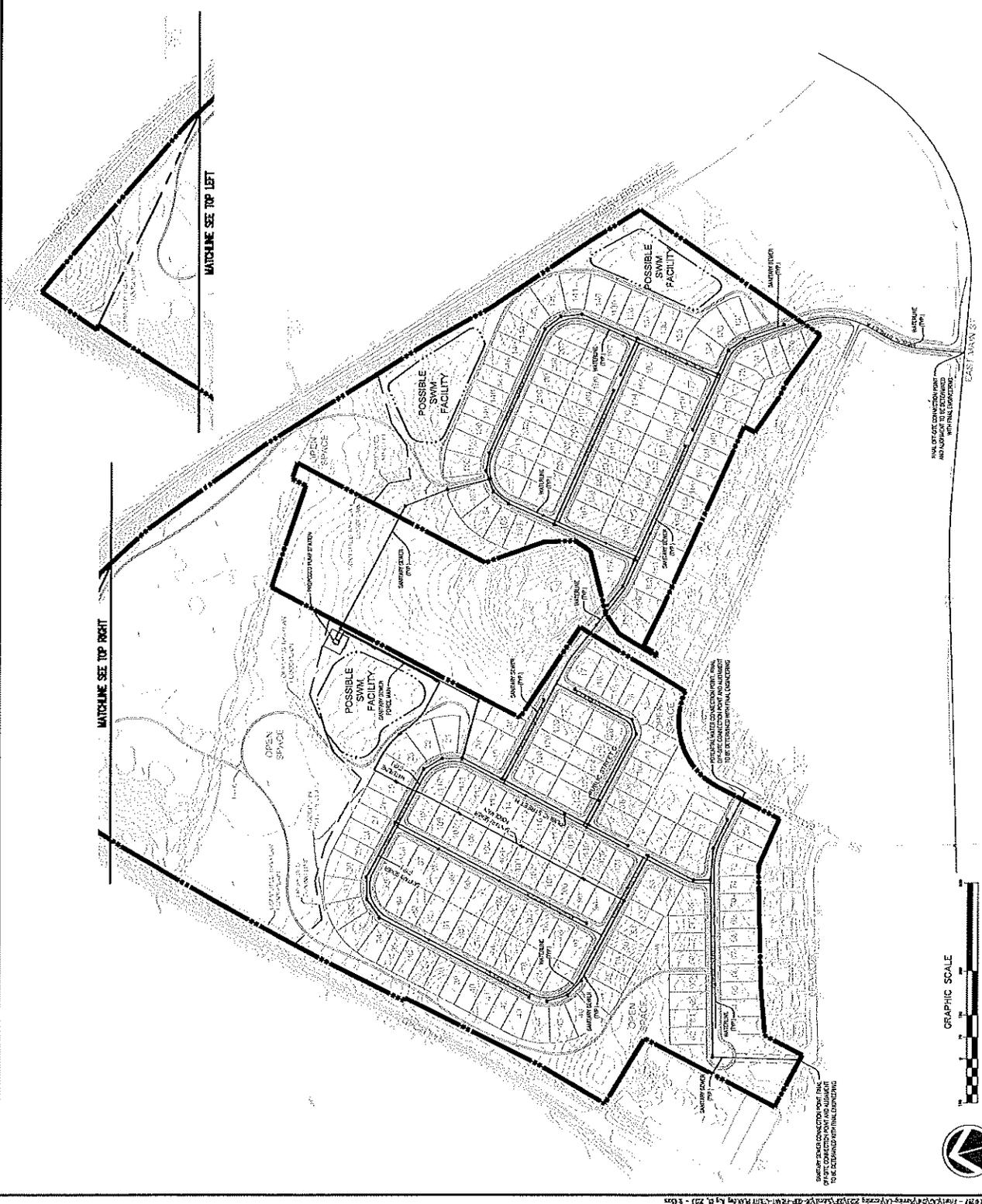


NOTES:

1. PROPOSED WATER AND SANITARY SERVICE LINES SHOWN ARE CONNECTION LINES TO BE PROVIDED TO THE PROJECT AREA. ADDITIONAL LINES MAY BE REQUIRED TO PROVIDE SERVICE TO THE ADJACENT AREAS AS DETERMINED WITH FINAL ENGINEERING.
2. SIZE OF PROPOSED CONNECTION LINES SHOWN HEREON SHALL BE DETERMINED BY FINAL ENGINEERING AND WILL BE BASED UPON CAPACITY NEEDED TO SERVE THE PROJECT.
3. ALL DEVELOPMENT WITHIN THE PROJECT LIMITS REQUIRING PUBLIC WATER OR SANITARY SERVICE SHALL BE DESIGNED WITH PUBLIC WATER AND SANITARY SERVICE. PROPOSED UTILITY ALIGNMENTS AND CONNECTION POINTS ARE PRELIMINARY, SUBJECT TO CHANGE WITH FINAL ENGINEERING, AND ARE SUBJECT TO APPROVAL BY THE TOWN OF BERRYVILLE.
4. OFF-SITE UTILITY CONNECTIONS SHALL REQUIRE APPLICABLE DOCUMENT APPROVAL FROM THE TOWN OF BERRYVILLE, VIRGINIA.

LEGEND:

- POSSIBLE WATER LINE LOCATION
- POSSIBLE FORCE MAIN LOCATION
- POSSIBLE SANITARY SERVICE LINE LOCATION
- LIMITS OF CLEARING & GRADING
- PROJECT BOUNDARY



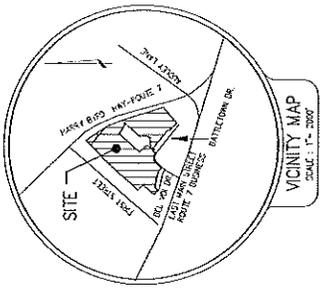
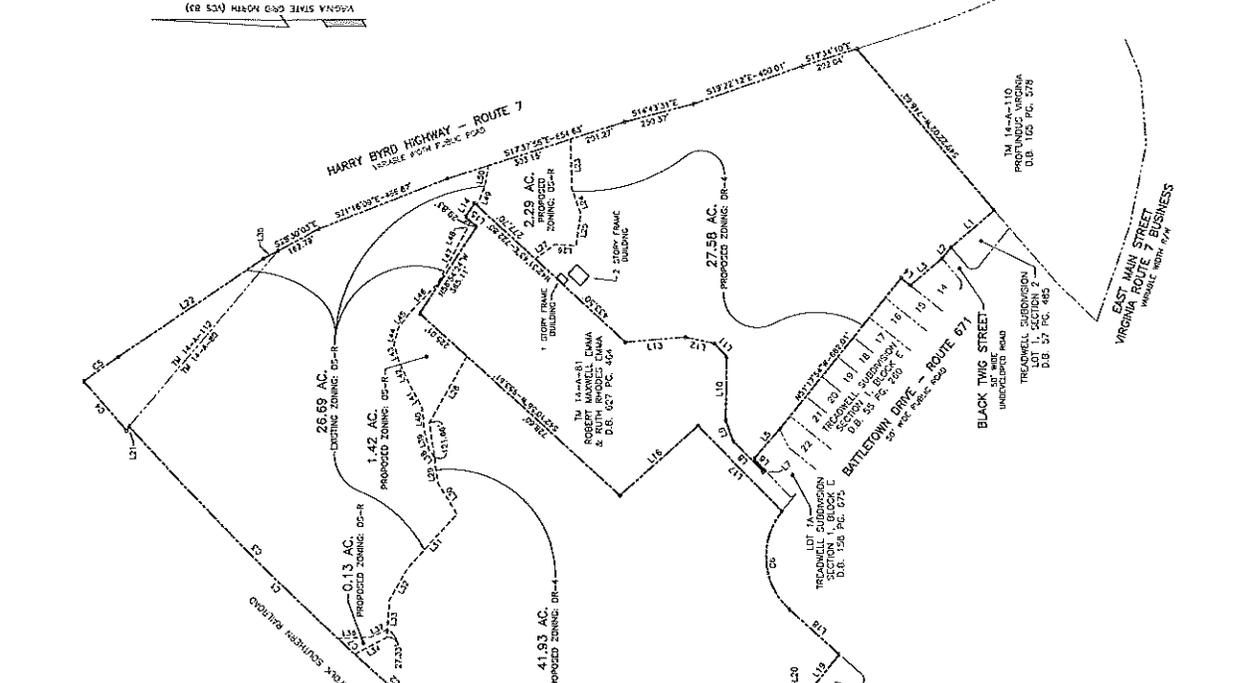
FRIANT UTILITY PLAN

DATE: 07/31/2023
 SHEET: 6 OF 7
 TOWN OF BERRYVILLE, VIRGINIA
 CLARKE COUNTY, VIRGINIA



| LOT | AREA (AC) | PROPOSED ZONING | EXISTING ZONING |
|-----|-----------|-----------------|-----------------|
| 1 | 0.13 | DR-4 | DR-4 |
| 2 | 0.13 | DR-4 | DR-4 |
| 3 | 0.13 | DR-4 | DR-4 |
| 4 | 0.13 | DR-4 | DR-4 |
| 5 | 0.13 | DR-4 | DR-4 |
| 6 | 0.13 | DR-4 | DR-4 |
| 7 | 0.13 | DR-4 | DR-4 |
| 8 | 0.13 | DR-4 | DR-4 |
| 9 | 0.13 | DR-4 | DR-4 |
| 10 | 0.13 | DR-4 | DR-4 |
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| 13 | 0.13 | DR-4 | DR-4 |
| 14 | 0.13 | DR-4 | DR-4 |
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| 17 | 0.13 | DR-4 | DR-4 |
| 18 | 0.13 | DR-4 | DR-4 |
| 19 | 0.13 | DR-4 | DR-4 |
| 20 | 0.13 | DR-4 | DR-4 |
| 21 | 0.13 | DR-4 | DR-4 |
| 22 | 0.13 | DR-4 | DR-4 |
| 23 | 0.13 | DR-4 | DR-4 |
| 24 | 0.13 | DR-4 | DR-4 |
| 25 | 0.13 | DR-4 | DR-4 |
| 26 | 0.13 | DR-4 | DR-4 |
| 27 | 0.13 | DR-4 | DR-4 |
| 28 | 0.13 | DR-4 | DR-4 |
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| 32 | 0.13 | DR-4 | DR-4 |
| 33 | 0.13 | DR-4 | DR-4 |
| 34 | 0.13 | DR-4 | DR-4 |
| 35 | 0.13 | DR-4 | DR-4 |
| 36 | 0.13 | DR-4 | DR-4 |
| 37 | 0.13 | DR-4 | DR-4 |
| 38 | 0.13 | DR-4 | DR-4 |
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| 96 | 0.13 | DR-4 | DR-4 |
| 97 | 0.13 | DR-4 | DR-4 |
| 98 | 0.13 | DR-4 | DR-4 |
| 99 | 0.13 | DR-4 | DR-4 |
| 100 | 0.13 | DR-4 | DR-4 |

| LOT | AREA (AC) | PROPOSED ZONING | EXISTING ZONING |
|-----|-----------|-----------------|-----------------|
| 101 | 0.13 | DR-4 | DR-4 |
| 102 | 0.13 | DR-4 | DR-4 |
| 103 | 0.13 | DR-4 | DR-4 |
| 104 | 0.13 | DR-4 | DR-4 |
| 105 | 0.13 | DR-4 | DR-4 |
| 106 | 0.13 | DR-4 | DR-4 |
| 107 | 0.13 | DR-4 | DR-4 |
| 108 | 0.13 | DR-4 | DR-4 |
| 109 | 0.13 | DR-4 | DR-4 |
| 110 | 0.13 | DR-4 | DR-4 |
| 111 | 0.13 | DR-4 | DR-4 |
| 112 | 0.13 | DR-4 | DR-4 |
| 113 | 0.13 | DR-4 | DR-4 |
| 114 | 0.13 | DR-4 | DR-4 |
| 115 | 0.13 | DR-4 | DR-4 |
| 116 | 0.13 | DR-4 | DR-4 |
| 117 | 0.13 | DR-4 | DR-4 |
| 118 | 0.13 | DR-4 | DR-4 |
| 119 | 0.13 | DR-4 | DR-4 |
| 120 | 0.13 | DR-4 | DR-4 |
| 121 | 0.13 | DR-4 | DR-4 |
| 122 | 0.13 | DR-4 | DR-4 |
| 123 | 0.13 | DR-4 | DR-4 |
| 124 | 0.13 | DR-4 | DR-4 |
| 125 | 0.13 | DR-4 | DR-4 |
| 126 | 0.13 | DR-4 | DR-4 |
| 127 | 0.13 | DR-4 | DR-4 |
| 128 | 0.13 | DR-4 | DR-4 |
| 129 | 0.13 | DR-4 | DR-4 |
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| 133 | 0.13 | DR-4 | DR-4 |
| 134 | 0.13 | DR-4 | DR-4 |
| 135 | 0.13 | DR-4 | DR-4 |
| 136 | 0.13 | DR-4 | DR-4 |
| 137 | 0.13 | DR-4 | DR-4 |
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| 140 | 0.13 | DR-4 | DR-4 |
| 141 | 0.13 | DR-4 | DR-4 |
| 142 | 0.13 | DR-4 | DR-4 |
| 143 | 0.13 | DR-4 | DR-4 |
| 144 | 0.13 | DR-4 | DR-4 |
| 145 | 0.13 | DR-4 | DR-4 |
| 146 | 0.13 | DR-4 | DR-4 |
| 147 | 0.13 | DR-4 | DR-4 |
| 148 | 0.13 | DR-4 | DR-4 |
| 149 | 0.13 | DR-4 | DR-4 |
| 150 | 0.13 | DR-4 | DR-4 |



AREAS PROPOSED FOR REZONING:
 DR-4: 89.51 AC.
 OS-R: 3.84 AC.

ZONING PLAN
 OF THE PROPERTY
 OF
 FRIANT ENTERPRISES #1, LLC
 AND
 FRIANT ENTERPRISES #2, LLC
 AND
 FRIANT ENTERPRISES #3, LLC
 001.023 PG. 443
 CLARK COUNTY, VIRGINIA

SCALE: 1" = 200'
 JULY, 2003
Dewberry
 Dewberry Engineers Inc.
 1000 EAST MAIN STREET
 CLARK COUNTY, VIRGINIA
 22104-2271
 TEL: 703.422.7171
 FAX: 703.422.7171

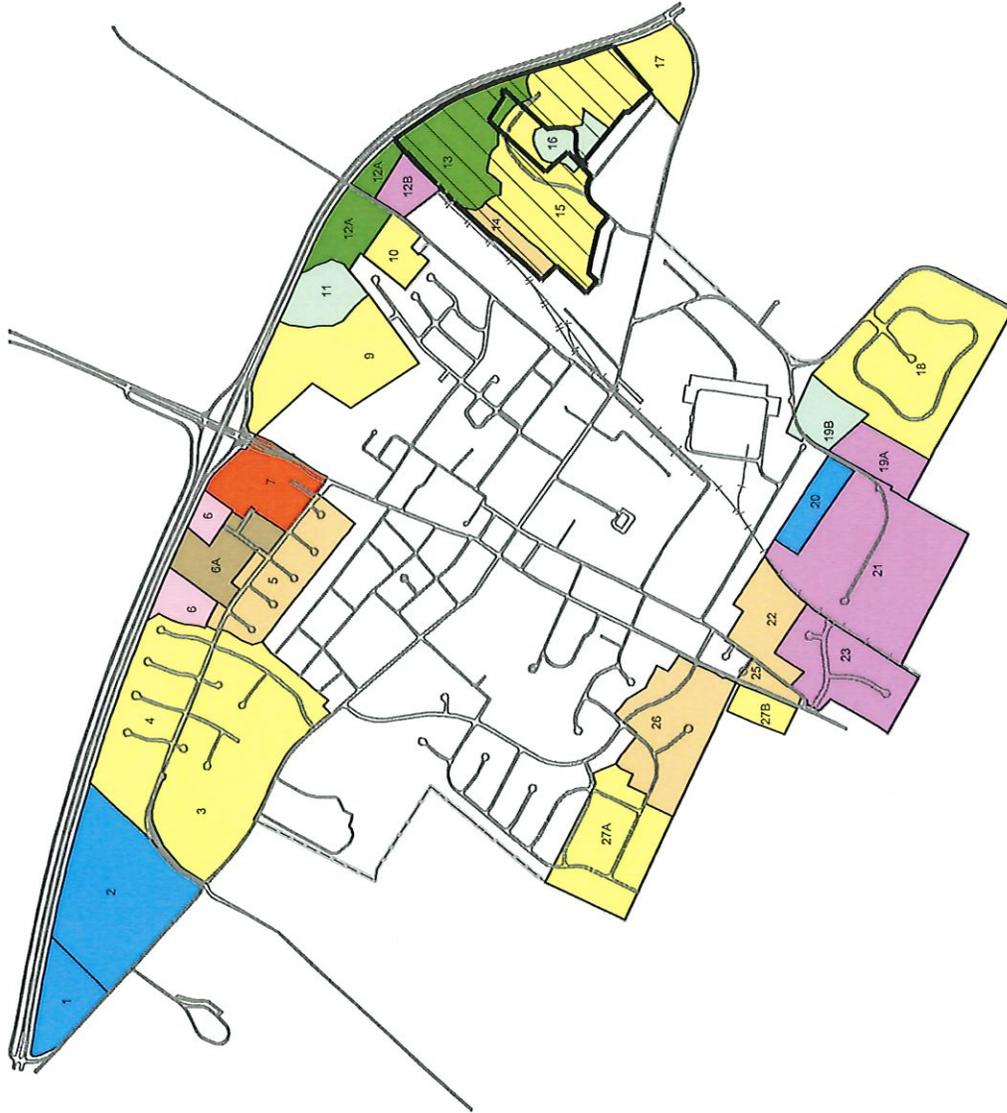


DRAFT REZONING PLAN

- NOTES:
- NO TITLE REPORT FURNISHED.
 - THE AREAS FOR REZONING AS SHOWN HEREON, ARE BASED UPON A CURRENT FIELD SURVEY BY DEWBERRY ENGINEERS INC. AND CLARK COUNTY, VIRGINIA. THE SURVEYOR'S RECORDS AND FIELD NOTES OF THIS SURVEY ARE ON FILE AT THE CLARK COUNTY COURTHOUSE, 1000 EAST MAIN STREET, CLARK COUNTY, VIRGINIA. THE CONTIGUOUS LOT LINES SHOWN ON THIS PLAN, ARE BASED UPON THE SURVEY RECORDS ON FILE AT THE CLARK COUNTY COURTHOUSE.

LEGEND:

- Existing Roads
- Proposed Roads
- Railroads
- Berryville Town Limits as of 01/01/07
- Low Density Residential (2 units/acre)
- Medium-Low Density Residential (4 units/acre)
- Medium Density Older Persons Residential
- Highway-Visitor Commercial
- Business/Office
- Light Industrial/Public
- Institutional/Research
- Environmental Conservation
- Historical/Cultural Preservation
- PROJECT SITE



**FRIANT PROPERTY
EXISTING LAND USE PLAN**

DATE: 07/31/2023

SHEET: 1 OF 2

TOWN OF BERRYVILLE, VIRGINIA
CLARKE COUNTY, VIRGINIA

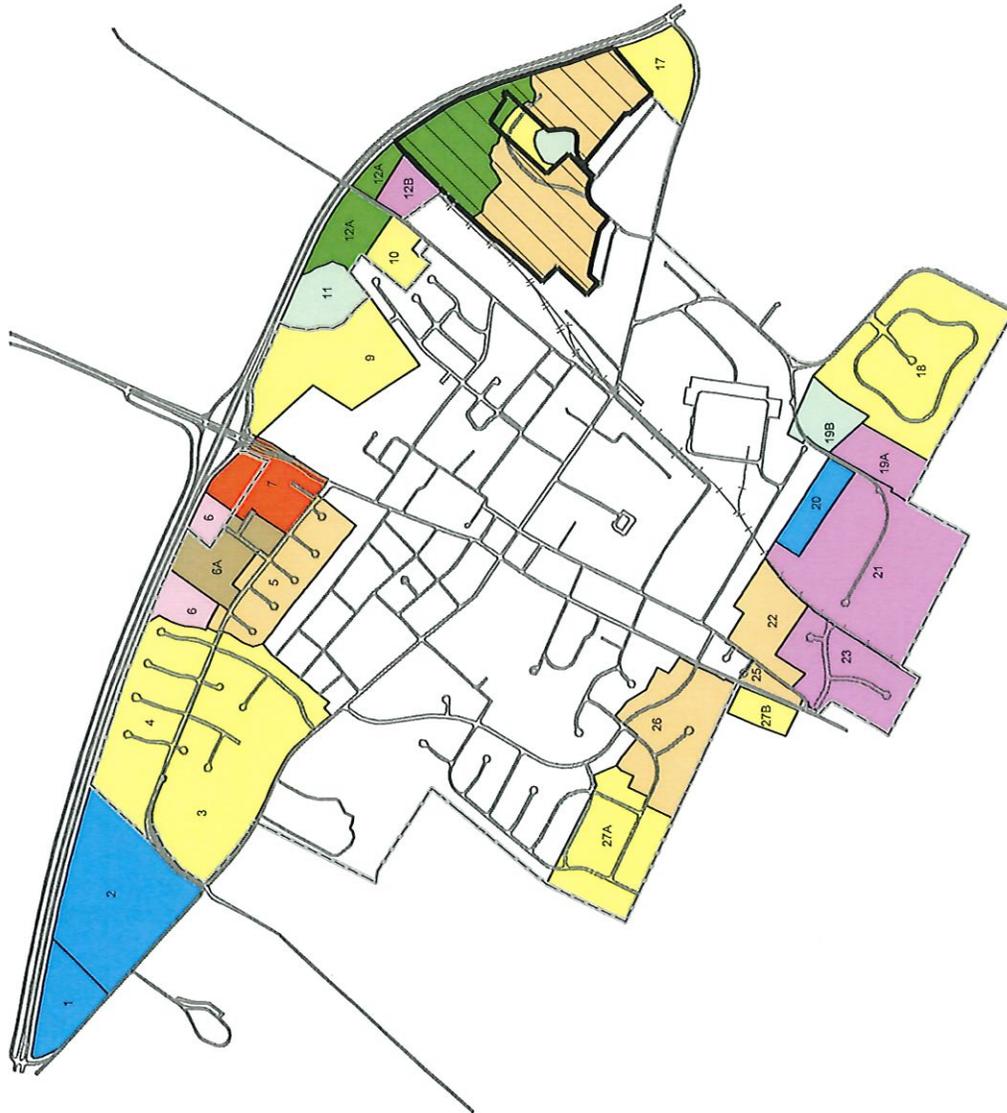


Dewberry
Engineers, Inc.
1000 HEATHCOTE BLVD.
SUITE 100
FARMINGTON, VA 29168-6480
PHONE: 703.683.2211
FAX: 703.683.2923



LEGEND:

- Existing Roads
- Proposed Roads
- Railroads
- Berryville Town Limits as of 01/01/07
- Low Density Residential (2 units/acre)
- Medium-Low Density Residential (4 units/acre)
- Medium Density Older Persons Residential
- Highway-Visitor Commercial
- Business/Office
- Light Industrial/Research
- Institutional/Public
- Environmental Conservation
- Historical/Cultural Preservation
- PROJECT SITE



**FRIANT PROPERTY
PROPOSED LAND USE PLAN**

DATE: 07/31/2023

SHEET: 2 OF 2

TOWN OF BERRYVILLE, VIRGINIA
CLARKE COUNTY, VIRGINIA

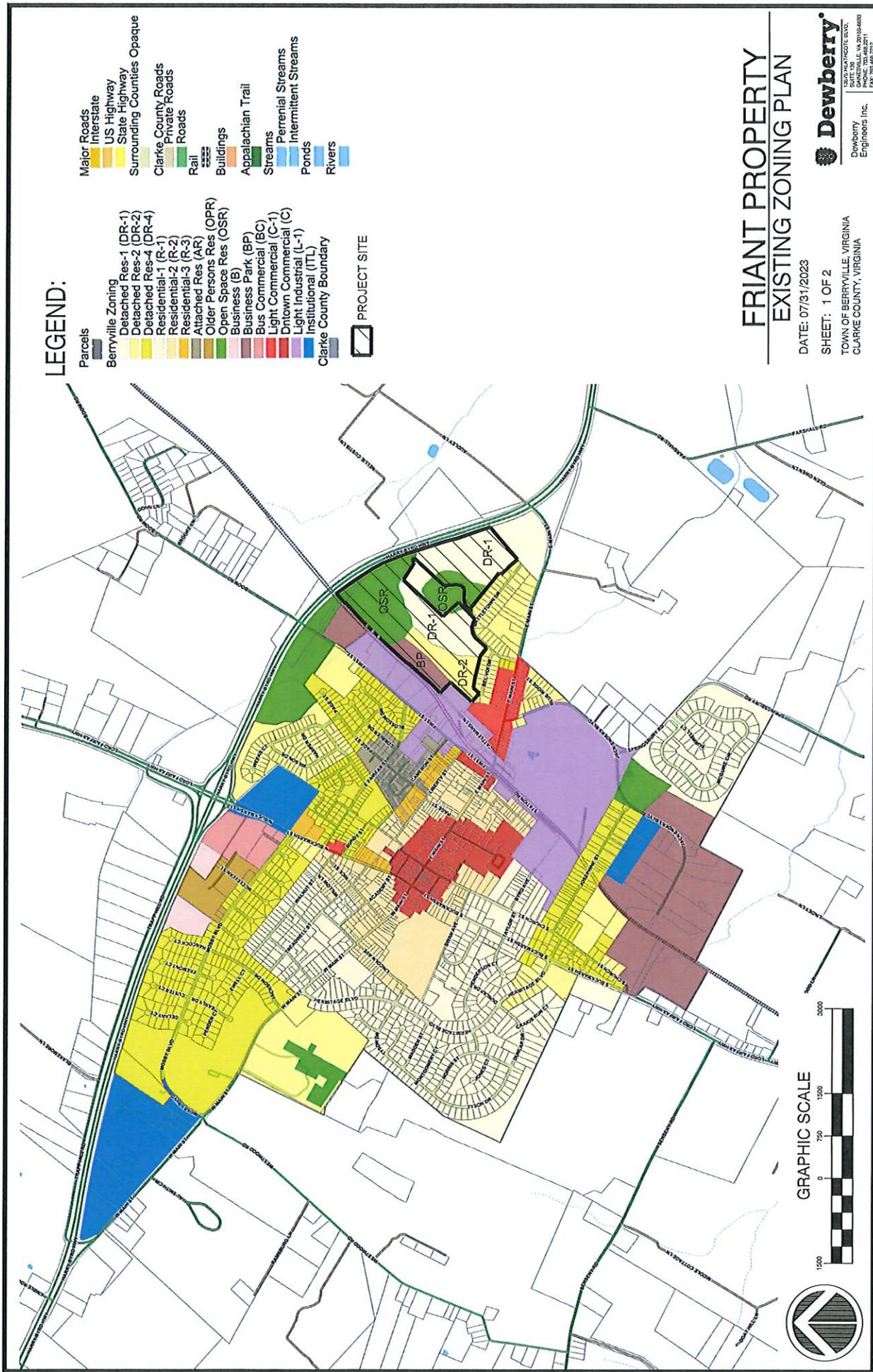


Dewberry
Engineers, Inc.
1305 HANCOCK BLVD.
SUITE 100
BERRYVILLE, VA 22611
PHONE: 703.468.2111
FAX: 703.468.2112



GRAPHIC SCALE





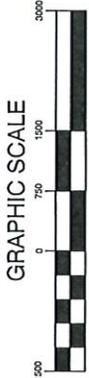
LEGEND:

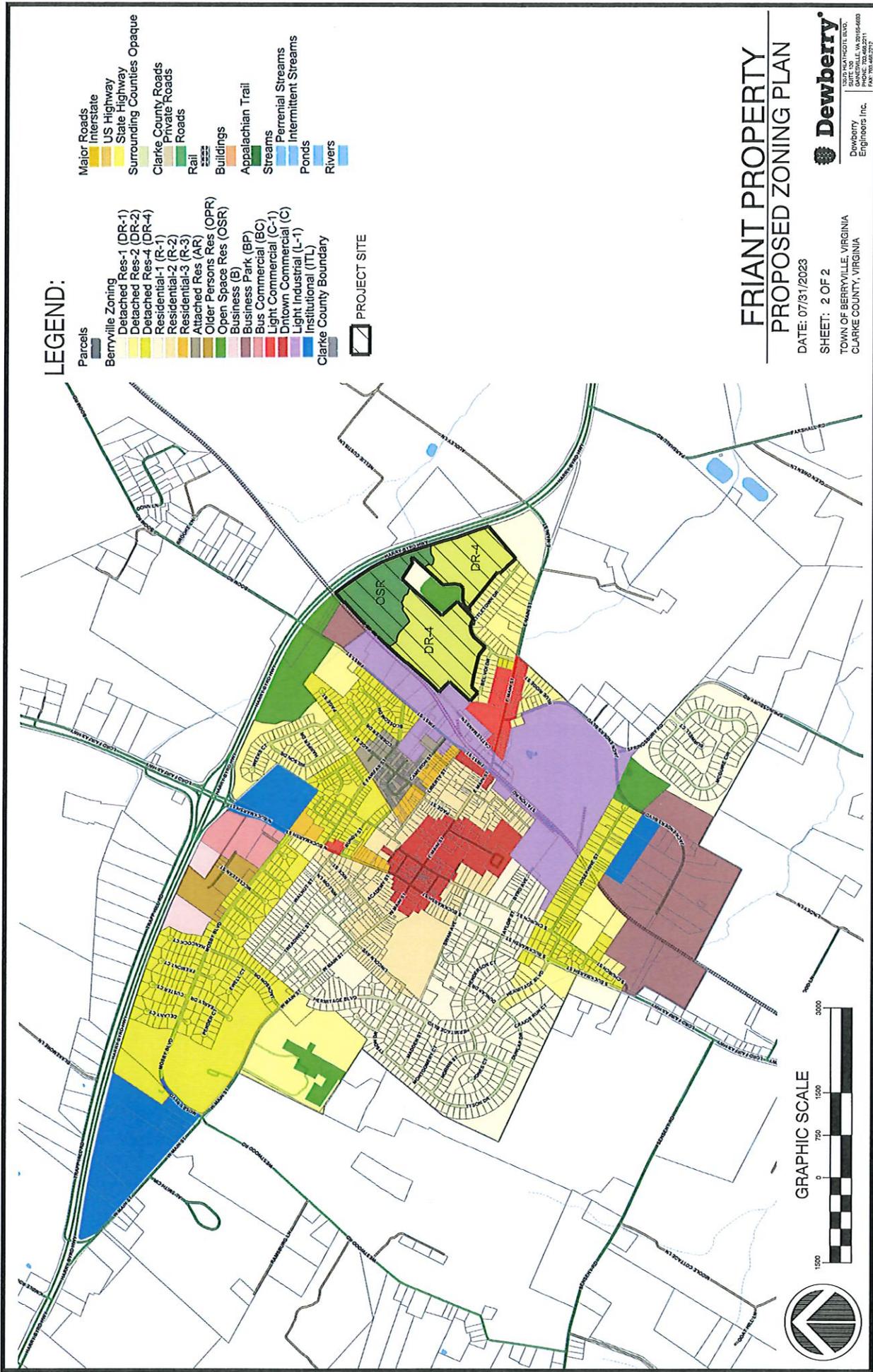
- Major Roads
 - Interstate
 - US Highway
 - State Highway
 - Surrounding Counties Opaque
 - Clarke County Roads
 - Private Roads
 - Roads
 - Rail
 - Buildings
 - Appalachian Trail
 - Streams
 - Perennial Streams
 - Intermittent Streams
 - Ponds
 - Rivers
-
- Berryville Zoning
 - Detached Res-1 (DR-1)
 - Detached Res-2 (DR-2)
 - Detached Res-4 (DR-4)
 - Residential-1 (R-1)
 - Residential-2 (R-2)
 - Residential-3 (R-3)
 - Attached Res (AR)
 - Older Persons Res (OPR)
 - Open Space Res (OSR)
 - Business (B)
 - Business Park (BP)
 - Bus Commercial (BC)
 - Light Commercial (C-1)
 - Downtown Commercial (C)
 - Light Industrial (L-1)
 - Institutional (ITL)
 - Clarke County Boundary
 - PROJECT SITE

**FRIANT PROPERTY
EXISTING ZONING PLAN**

DATE: 07/31/2023
SHEET: 1 OF 2

TOWN OF BERRYVILLE, VIRGINIA
CLARKE COUNTY, VIRGINIA





LEGEND:

- Parcels
- Berryville Zoning
 - Detached Res-1 (DR-1)
 - Detached Res-2 (DR-2)
 - Detached Res-4 (DR-4)
 - Residential-1 (R-1)
 - Residential-2 (R-2)
 - Residential-3 (R-3)
 - Attached Res (AR)
 - Older Persons Res (OPR)
 - Open Space Res (OSR)
 - Business (B)
 - Business Park (BP)
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- Private Roads
- Roads
- Rail
- Buildings
- Appalachian Trail
- Streams
 - Perennial Streams
 - Intermittent Streams
- Ponds
- Rivers

**FRIANT PROPERTY
PROPOSED ZONING PLAN**

DATE: 07/31/2023

SHEET: 2 OF 2

TOWN OF BERRYVILLE, VIRGINIA
CLARKE COUNTY, VIRGINIA



December 9, 2021

Town of Berryville
 101 Chalmers Court
 Suite A
 Berryville, VA 226611

Friant – Water & Sanitary Sewer Capacity

This memo aims to verify downstream capacity in the existing water distribution and sewage collection systems in the Town of Berryville. Site layout and proposed tie-ins are shown in Attachment 1. The current Friant subdivision design contains 214 single family detached units.

Water Distribution System Analysis:

Water demand was calculated using the standards set in the section IV. Water & Sewer of the *Town of Berryville Construction Standards and Specifications – April 2015 (Updated 2021)* and shown below in Table 1.

Table 1: Estimated Water Demand Requirements

| WATER DEMAND | | | | |
|--------------|----------------------|-----------------------------|-----------------------------------|------------------------|
| Units | Residential Pop. (N) | Ave. Daily Demand (R) (gpd) | Max. Daily Water Demand (M) (gpd) | Peak Hour Demand (gpm) |
| 214 | 588.5 | 58,850 | 117,700 | 366.1 |

The preliminary water distribution system was modeled in WaterGEMS using a reservoir with an elevation of 759.30 (as derived from the attached Town of Berryville Flow study - Hydrant ID 108). The preliminary water model proposes 8” waterline throughout the site and proposes two connection points to existing 8” waterline.

The water model was run for the scenarios of Average Day, Max Day, Peak Hour, and Max Day + Fire Flow. In all scenarios, the water pressure throughout the site was above the allowable limit of 30 psi. In the Max Day + Fire Flow scenario, the minimum fire protection of 750 gpm was met at all preliminary hydrant locations. Table 2 below shows the water model report from the Peak Hour scenario (this is the scenario with the highest demands and that yields the lowest pressures). As shown, the lowest pressure in the model in this scenario is 65 psi.

Table 2: Preliminary Peak Hour Water Model Analysis

| PEAK HOUR SCENARIO | | | | |
|--------------------|----------------|--------------|----------------------|----------------|
| Label | Elevation (ft) | Demand (gpm) | Hydraulic Grade (ft) | Pressure (psi) |
| J-10 | 552 | 0 | 726.45 | 75 |
| J-9 | 554 | 83 | 726.33 | 75 |
| J-27 | 558 | 69 | 728.84 | 74 |
| J-26 | 558 | 65 | 728.99 | 74 |
| J-28 | 558 | 65 | 728.8 | 74 |
| J-19 | 560 | 0 | 727.18 | 72 |
| J-16 | 560 | 65 | 726.32 | 72 |
| J-23 | 560 | 65 | 736.42 | 76 |
| J-18 | 560.95 | 0 | 727.06 | 72 |
| J-25 | 562 | 69 | 729.36 | 72 |
| J-40 | 562 | 0 | 739.41 | 77 |
| EX-1 | 562 | 111 | 734.56 | 75 |
| J-12 | 562 | 73 | 726.85 | 71 |
| J-7 | 562 | 73 | 726.27 | 71 |
| J-8 | 562 | 76 | 726.27 | 71 |
| J-29 | 563 | 76 | 728.96 | 72 |
| J-15 | 564.98 | 0 | 726.32 | 70 |
| J-17 | 566 | 86 | 726.97 | 70 |
| J-22 | 568 | 0 | 731.01 | 71 |
| J-24 | 568 | 0 | 730.74 | 70 |
| J-13 | 568.55 | 65 | 726.93 | 69 |
| J-14 | 569 | 69 | 726.33 | 68 |
| J-20 | 570 | 69 | 728.71 | 69 |
| EX-3 | 571 | 65 | 759.3 | 81 |
| J-2 | 572 | 73 | 728.21 | 68 |
| EX-2 | 572 | 123 | 730.93 | 69 |
| J-3 | 572.18 | 0 | 728.05 | 67 |
| J-1 | 574 | 61 | 728.14 | 67 |
| J-4 | 574 | 65 | 727 | 66 |
| J-6 | 574 | 69 | 726.42 | 66 |
| J-21 | 575 | 89 | 729.37 | 67 |
| J-5 | 576 | 0 | 726.56 | 65 |
| J-139 | 590 | 0 | 749.47 | 69 |

Sewage Collection System Analysis:

The estimated sanitary flows at the project tie in were also calculated using the standards set in section IV. Water & Sewer of the *Town of Berryville Construction Standards and Specifications – April 2015 (Updated 2021)* and shown below in Table 3.

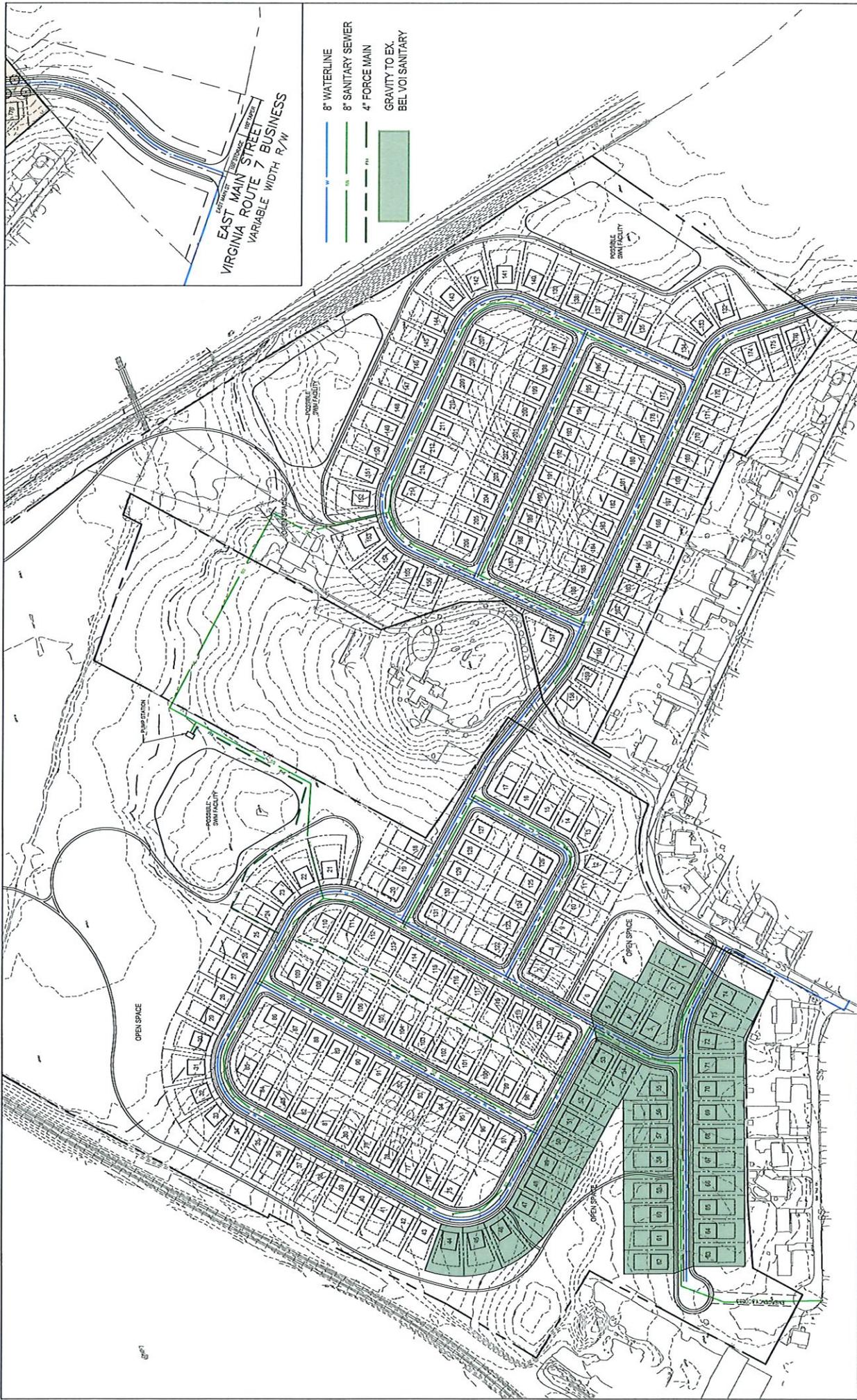
Table 3: Estimated Sanitary Sewer Demand Requirements

| SEWER DEMAND | | |
|--------------|----------------------|-----------------------------|
| Units | Residential Pop. (N) | Ave. Daily Demand (R) (gpd) |
| 214 | 749 | 74,900 |

The Friant subdivision proposes 214 single family detached units. The preliminary sanitary analysis proposes 178 units to be collected and conveyed to a proposed pump station on site. A proposed force main will convey the flow from the pump station to a proposed sanitary manhole on site where it will join the onsite gravity system that conveys the remaining 36 units before tying into existing manhole 57. Using a peak flow factor of 4, the existing sanitary sewer system was analyzed from structure EX 57 to EX 49 (within Main Street), and calculations show that the existing system has more than enough capacity to accept the additional sewage flow from the proposed Friant subdivision.

Table 4: Sanitary Sewer Analysis

| SANITARY SEWER COMPUTATIONS | | | | | | | | | | | | | | | | | |
|-----------------------------|-------|--|-------------|------------|------------------------------------|------------------|------------------|-----------|--------------------------|------------|-----------|--------------|--------|-------------------------|----------------|--------------|--------|
| Manhole Number | | Average Daily Flow Determination (gpd) | | | Flow Million Gallons Per Day (mgd) | | | | | Pipe Run | | | | Capacity of Pipe (full) | | | % Full |
| | | By Residential Units | | | Incr. | Total Avg. Daily | Peak Flow Factor | Peak Flow | Manning's "N" Value .014 | | | | MGD | CFS | Velocity (fps) | | |
| From | To | Units | Total Units | Flow (gpd) | | | | | Length (ft) | Dia. (In.) | Slope (%) | Upper Invert | | | | Lower Invert | |
| FRIANT | EX 57 | 214 | 214 | 74,900 | 0.075 | 0.075 | 4.00 | 0.30 | | 8 | 0.50 | | | 0.51 | 0.79 | 2.27 | 59% |
| EX 57 | EX56 | 5 | 219 | 76,650 | 0.077 | 0.077 | 4.00 | 0.31 | 200.90 | 8 | 1.05 | 587.35 | 585.24 | 0.74 | 1.15 | 3.29 | 41% |
| EX56 | EX 55 | 9 | 228 | 79,800 | 0.080 | 0.080 | 4.00 | 0.32 | 500.90 | 8 | 0.99 | 585.19 | 580.24 | 0.72 | 1.12 | 3.19 | 44% |
| EX 55 | EX 54 | 9 | 237 | 82,950 | 0.083 | 0.083 | 4.00 | 0.33 | 498.40 | 8 | 1.01 | 580.19 | 575.16 | 0.73 | 1.13 | 3.23 | 46% |
| EX 54 | EX 53 | 2 | 239 | 83,650 | 0.084 | 0.084 | 4.00 | 0.33 | 187.00 | 8 | 0.88 | 575.11 | 573.46 | 0.68 | 1.05 | 3.02 | 49% |
| EX 53 | EX 52 | 5 | 244 | 85,400 | 0.085 | 0.085 | 4.00 | 0.34 | 282.45 | 8 | 1.76 | 573.37 | 568.40 | 0.96 | 1.49 | 4.26 | 36% |
| EX 52 | EX 51 | 2 | 246 | 86,100 | 0.086 | 0.086 | 4.00 | 0.34 | 300.20 | 8 | 3.66 | 568.37 | 557.39 | 1.38 | 2.15 | 6.15 | 25% |
| EX 51 | EX 50 | 24 | 270 | 94,500 | 0.095 | 0.095 | 4.00 | 0.38 | 188.30 | 8 | 3.42 | 557.36 | 550.92 | 1.34 | 2.07 | 5.94 | 28% |
| EX 50 | EX 49 | | 270 | 94,500 | 0.095 | 0.095 | 4.00 | 0.38 | 184.30 | 8 | 1.11 | 550.82 | 548.77 | 0.76 | 1.18 | 3.39 | 50% |



EAST MAIN STREET
 VIRGINIA ROUTE 7 BUSINESS
 VARIABLE WIDTH R/W

- 8" WATERLINE
- 8" SANITARY SEWER
- 4" FORCE MAIN
- GRAVITY TO EX. BEL VOI SANITARY

FRIANT PROPERTY - 214 LOTS
 DEC. 8 2021 TOWN UTILITIES





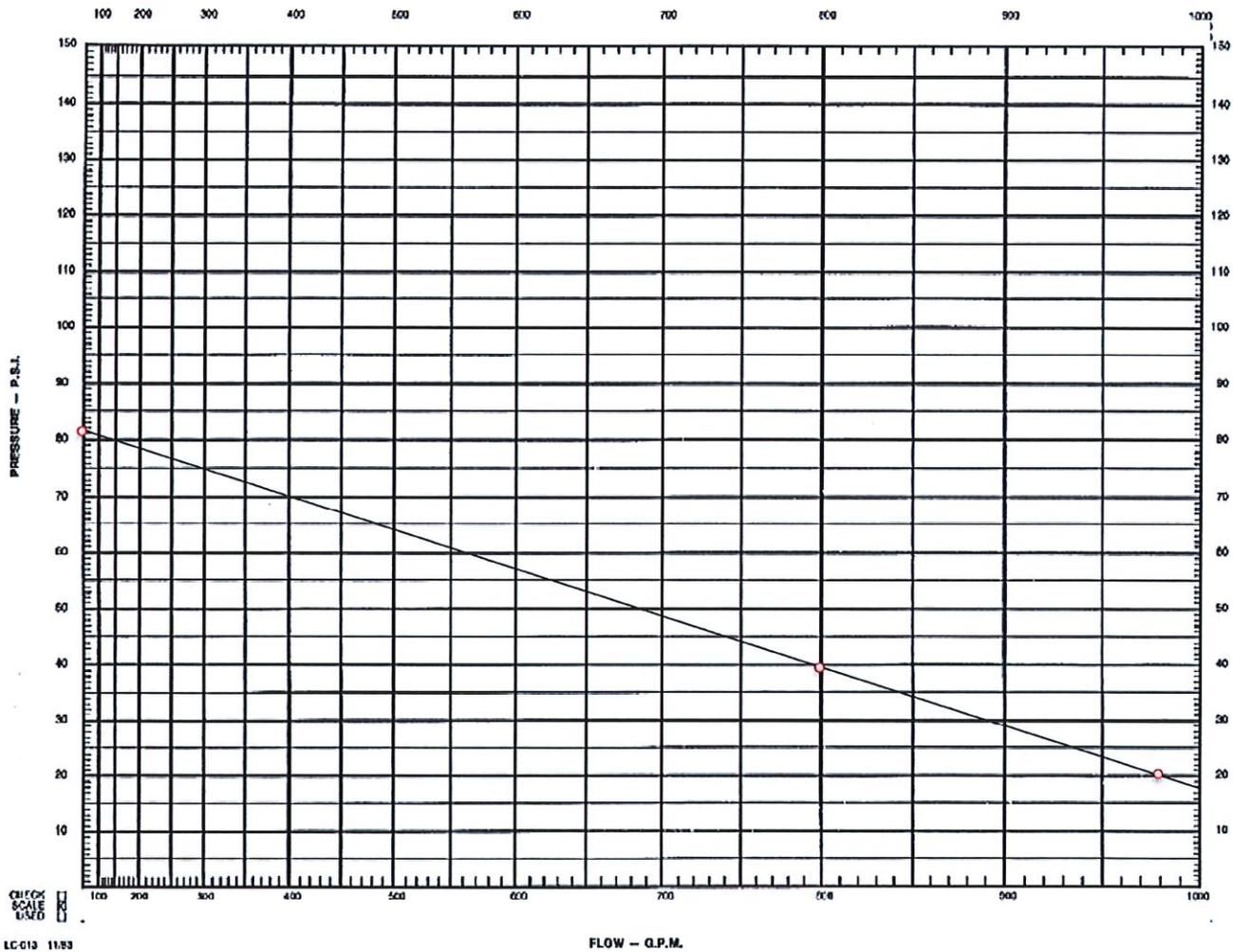
5790 Main Street
 Mt. Jackson, VA 22842
 (540) 477-3300
 TOLL-FREE: (800) 648-1010
 FAX: (540) 477-3360
 WEB: www.4ies.com

WATER DISTRIBUTION SYSTEMS

FLOW STUDY

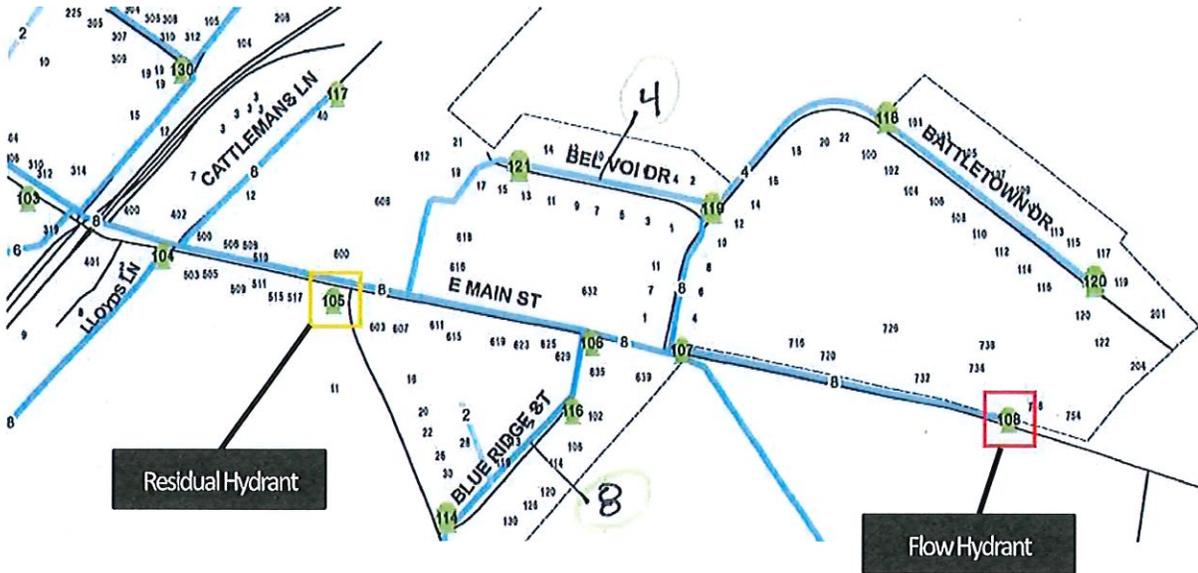
| | | | |
|-------------------------------------|----------------------------|----------------------------------|-------------------------|
| Client Name: | Dewberry Engineering | | |
| System Name: | Town of Berryville | | |
| Test Location: | End of East Main (Test #3) | | |
| Residual Hydrant Information | | Flow Hydrant Information | |
| Hydrant ID: 105 | Line Size: 8" | Hydrant ID: 108 | Line Size: 8" |
| Static Pressure: 81.5psi | | Opening Size: 2.5" | Nozzle Coefficient: 0.9 |
| Residual (Dynamic) Pressure: 39psi | | Full Open Pitot Reading: 12.5psi | |
| Pressure Delta: 42.5psi | | GPM Rating Full Open: 600 | |
| Fire Flow Capacity @ 20psi: 980 GPM | | | |

WATER SUPPLY GRAPH NO. N 1.85





HYDRANT LOCATION MAP:



HARRY BYRD HIGHWAY - ROUTE 7

ACCESS EASMENT

EAST MAIN ST

BATTLE TOWN DR.

OPEN SPACE
FLOODPLAIN
OPEN SPACE

OPEN SPACE

SWM POND

SWM POND

SWM POND

OPEN SPACE

BEYOND LOT 125



**FRIANT PROPERTY
TOWN OF BERRYVILLE, VA**

FISCAL IMPACT ANALYSIS

AUGUST 1, 2023

PREPARED BY:

MUNICAP, INC.
— PUBLIC FINANCE —

NON-PROFFER FISCAL IMPACTS

Executive Summary

This report provides estimates of non-proffered fiscal impacts to the Town of Berryville resulting from the Friant Property development (the “Development”). The fiscal impacts include one-time construction impacts and recurring revenues. This report also provides an estimate of the additional tax revenues and expenses that the Town of Berryville receive or incur as a result of the Development and contrasts the projected revenues with projected costs. Detailed calculations related to the fiscal impacts are included in the schedules appended hereto.

Development

The Development is expected to include 214 single-family detached units. Table A below shows the projected assessed value and real property taxes resulting from the completed Development.

TABLE A
Summary of Development

| Property Type | Property Area ¹ | | Projected Assessed Value ² | | Total Projected Assessed Value |
|--|----------------------------|--------------|---------------------------------------|---------|--------------------------------|
| | Units | GSF Per Unit | Per Unit | Per GSF | |
| <u>Residential</u> | | | | | |
| Single-family detached | 214 | 2,500 | \$565,990 | \$226 | \$121,121,860 |
| Total projected assessed value at full build-out (current dollars) | | | | | \$121,121,860 |
| Current real property tax rate (per \$100) | | | | | \$0.2000 |
| Total projected real property tax revenue at full build-out (current dollars) | | | | | \$242,244 |

¹Based on project information provided by D.R. Horton.

²Estimated assessed value is based on information provided by D.R. Horton. See Appendix C, attached hereto. Represents projected assessed value at full build-out, excluding inflation.

As shown in Table A, the total projected real property tax revenues are estimated to be \$242,244 at full build-out.

Projection of Impacts

In estimating future fiscal and economic impacts in the Town of Berryville, MuniCap employed a combination of accepted approaches for such forecasts.

To calculate construction employment and economic impacts, MuniCap used IMPLAN software developed by IMPLAN Group, LLC. IMPLAN is an industry-accepted economic impact assessment software system with which trained users can create local area *Social Accounting Matrices* and develop *Multiplier Models* that can be used to estimate detailed economic impacts.

For the inputs used in developing the models, such as density and cost, MuniCap relied on a variety of sources, which are noted in the appended schedules to this report.

To estimate population increases, MuniCap adopted U.S. Census bureau data for average residents per dwelling unit.

For the calculation of economic benefits, primarily those in the form of increased tax revenue, MuniCap applied the actual taxing methodology by multiplying the applicable tax rate by the estimated taxable item in question whenever possible. For instance, MuniCap estimated real property taxes by multiplying projected assessed value by the current applicable real property tax rate. Other revenues calculated in this manner include personal property taxes levied upon vehicles, vehicle license fees, consumer utility taxes, and recordation taxes. MuniCap estimated local sales and meals tax revenues on a per capita basis using service population.

To calculate fiscal impacts in the form of additional costs to the Town of Berryville, MuniCap reviewed the recommended general fund budget of the Town to determine the most appropriate approach to estimating potential increases. As with some revenues, MuniCap estimated police department, emergency services, volunteer fire department, and road maintenance line items on a per capita basis using service population and parks and recreation expenses on a per capita basis using resident population.

MuniCap assumed a uniform net annual increase in many revenue and expense categories of two percent. Exact inflation rates are given within relevant schedules. Tax rates are current as of the date of this report.

The schedules appended hereto provide specific calculations of impacts, along with the sources of the underlying assumptions.

Results of the Study

A. Employment Impacts and Economic Output

Table B summarizes the projected one-time employment impacts and economic impacts resulting from the construction of the Development. Direct jobs are jobs at the development site; indirect and induced impacts are jobs created within the Town of Berryville but not at the Development. Direct impacts represent full-time equivalent (“FTE”) positions, converting both part-time and full-time employees to the equivalent number of full-time employees. Total income includes salary, benefits, payroll taxes, and proprietor’s income. Impacts assume a one-year duration.

TABLE B
Construction-Related Impacts^(a)

| <i>Construction (One-Time) Impacts</i> | | |
|---|-------------|---------------|
| <i>Employment and Income</i> | <i>Jobs</i> | <i>Income</i> |
| Direct impacts (full-time employees) | 697 | \$44,539,714 |
| Indirect and induced impacts | 122 | \$5,342,736 |
| Total | 819 | \$49,882,449 |
| <i>Economic Output</i> | | |
| Direct impacts (construction cost) | | \$96,897,488 |
| Indirect and induced impacts | | \$21,668,624 |
| Total | | \$118,566,112 |
| Average annual labor income per full-time employee | | \$63,922 |
| ^(a) Employment, wages, and economic outputs are calculated using IMPLAN software based on industry multipliers derived from national income and product accounts data published by the U.S. Bureau of Economic Analysis. Detailed calculations are provided in the attached projections. | | |

B. Population Impacts

Table C summarizes the projected residential population increase resulting from the Development.

TABLE C
Population Impacts – Residents

| | <i>Units^(a)</i> | <i>Residents Per Unit^(b)</i> | <i>Total Projected Residents</i> |
|---|----------------------------|---|----------------------------------|
| single-family detached | 214 | 2.79 | 597 |
| Total (all units) | 214 | | 597 |
| ^(a) Source: D.R. Horton ^(b) See Appendix A, attached hereto. | | | |

C. Fiscal Impacts

Table D below summarizes the projected revenues to the Town of Berryville through the fiscal year ending June 30, 2054, based on the projected development under the current plan. Annual revenues are shown at full build-out in current dollars. The thirty-year cumulative revenues reflect projected absorption and inflation as seen on Schedule VII attached hereto.

TABLE D
Projected Revenues
Cumulative through Fiscal Year Ending June 30, 2054

| <i>Town of Berryville Gross Tax Revenues - Full Build-Out</i> | <i>Annual (Current Dollars at Full Build-Out)</i> | <i>Cumulative through Fiscal Year Ending June 30, 2054</i> |
|---|---|--|
| Real property tax revenues | \$242,244 | \$8,881,711 |
| Personal property tax revenues (vehicles) | \$183,454 | \$6,922,771 |
| Vehicle license fees | \$11,937 | \$324,988 |
| Utility tax revenues | \$15,408 | \$419,472 |
| Additional tax revenues | \$60,624 | \$2,287,699 |
| Gross revenues | \$513,668 | \$18,836,641 |

Table E summarizes the projected Town revenues, expenditures, and resultant net tax revenues generated by the Development both annually and cumulatively over a thirty-year period, as seen on Schedule X attached hereto.

TABLE E
Projected Net Revenues
Cumulative Through Fiscal Year Ending June 30, 2054

| <i>Town of Berryville Projected Net Revenues</i> | <i>Annual (Current Dollar at Full Build-Out)</i> | <i>Cumulative Through Fiscal Year Ending June 30, 2054</i> |
|--|--|--|
| Town of Berryville projected gross revenues | \$513,668 | \$18,836,641 |
| Less: projected expenditures: | | |
| Town of Berryville projected expenditures | (\$143,519) | (\$5,415,794) |
| Total projected net revenues | \$370,148 | \$13,420,847 |

The projected revenues and expenditures from the Development would translate to an approximate 11.40 percent revenue increase and 3.19 percent expenditure increase over the current Town budget as shown in Table F on the following page.

TABLE F
Projected Increase to Current Town Revenues and Expenditures

| <i>Comparison of Projected Revenues and Expenditures</i> | <i>Revenues</i> | <i>Expenditures</i> |
|--|-----------------|---------------------|
| Town of Berryville current revenues and expenditures ^(a) | \$4,504,447 | \$4,504,447 |
| Projected revenues and expenditures | \$513,668 | \$143,519 |
| Overall increase in projected revenues and expenditures | 11.40% | 3.19% |
| ^(a) Source: Town of Berryville, Virginia FY 2024 Operating Budget & Capital Improvement Program FY 2024-2028. | | |

Limitations

Projecting fiscal and employment impacts is inherently imprecise, particularly when results are extrapolated over several years. Furthermore, there are different methods of projecting fiscal and employment impacts and different analysts will arrive at different conclusions. The conclusions in this study are not intended to be precise results; they are intended to represent reasonable estimates of the potential fiscal and employment impacts to the Town of Berryville from the Development.

**FRIANT PROPERTY
TOWN OF BERRYVILLE
CLARKE COUNTY, VA**

PROFFER JUSTIFICATION NARRATIVE

AUGUST 7, 2023

PREPARED BY:

MUNICAP, INC.
— PUBLIC FINANCE —

**FRIANT PROPERTY
TOWN OF BERRYVILLE
CLARKE COUNTY, VA**

PROFFER JUSTIFICATION NARRATIVE

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| ASSUMPTIONS AND LIMITATIONS..... | 24 |

I. INTRODUCTION

The purpose of this proffer justification narrative is to satisfy portions of the Clarke County, Virginia (the “County”) and the Town of Berryville (the “Town”) requirements as they relate to the 2016 legislation (as subsequently described, and as subsequently amended) and the proposed Friant Property development (the “Residential Development”) and its associated rezoning submission. Specifically, this document addresses legislative requirements and County and Town policy related to “proffers” (one-time voluntary monetary commitments from the property owner related to properties that are subject to rezoning) for the Residential Development.

LEGISLATION PERTAINING TO RESIDENTIAL PROFFERS

The amended and reenacted Section 15.2-2303.4 of the Code of Virginia (the “Residential Proffer Legislation”) effective after July 1, 2019 places certain limitations on proffers for residential rezoning cases. As stipulated by the Residential Proffer Legislation, and unless an applicant elects to apply for a rezoning pursuant to Subsection D of that statute, a local government may only request or accept a proffer if it addresses an impact that is specifically attributable to a proposed new residential development, and, if it is an offsite proffer, it addresses an impact to an offsite public facility, such that (a) (i) the new residential development creates a need, or an identifiable portion of a need, for one or more public facility improvements in excess of existing public facility capacity at the time of the rezoning, and (b) (ii) each such new residential development applied for receives a direct and material benefit from a proffer made with respect to any such public facility improvements. For the purposes of the statute, a locality may base its assessment of public facility capacity on the projected impacts specifically attributable to the new residential development.

The Residential Proffer Legislation designates four categories of public improvements and facilities, which are as follows:

- **Public school facility improvements:** construction of new primary and secondary public schools or expansion of existing primary and secondary schools, to include all buildings, structures, parking, and other costs directly related thereto;
- **Public safety facility improvements:** construction of new law enforcement, fire, emergency, medical, and rescue facilities or expansion of existing public facilities, to include all buildings, structures, parking and other costs directly related thereto;
- **Public park facility improvements:** construction of public parks or improvements and/or expansion of existing public parks, with “public parks” including playgrounds and other recreational facilities;
- **Public transportation facility improvements:** construction of new roads; improvement or expansion of existing roads and related appurtenances as required by applicable standards of the Virginia Department of Transportation, or the applicable standards of a locality; and construction, improvement, or expansion of buildings, structures, parking, and other costs directly related to transit.

According to the Residential Proffer Legislation, no proffer shall be used for any operating expense of an existing public facility, such as ordinary maintenance or repair, or any capital improvement to an existing public facility, such as a renovation or technology upgrade, that does not expand the capacity of such facility. In addition, a proffer will only be deemed reasonable if it addresses an impact on public facilities that is specifically attributable to the proposed residential development and there will not be adequate existing capacity at such facilities for the impacts of the proposed residential development.

This document includes analyses of the projected impacts of the Development on public school facilities, public safety facilities, and public park facilities. Subsequent sections include thorough explanations of the methodology employed in calculating these impacts. A separate transportation impact analysis will be prepared to address impacts to public transportation facilities.

II. The Development

DEVELOPMENT SUMMARY

As proposed by D.R. Horton (the “Developer” or the “Applicant”), the Residential Development is a residential community that includes 214 single-family detached units. The Residential Development site is 100.4 acres. A site plan follows as Exhibit A.

The site is approved for 66 “by-right” single-family detached units, or units allowed under existing zoning.

THE SITE

The site is generally bounded to the northeast by Route 7, to the northwest by train tracks, to the southeast by East Main Street, to the south by residential development, and to the southwest by commercial development. The site includes parcels 14 A 80, 14 A 110, and 14 A 112.

Current Zoning

Current zoning for the parcels that comprise the site includes the following designations as described in the County Zoning Ordinance:

Open Space Residential District (“OSR”) – The OSR District is created to preserve and protect “existing residential properties and estates which have cultural and or historical value” and “properties with critical environmental features including 100 year floodplains, sink holes, slopes in excess of 15% and, rock outcrops.” OSR zoning allows for a maximum density of one residence per ten net developable acres.

Detached Residential – 1 District (“DR-1”) – The DR-1 District “is created to provide for single family detached residences in a carefully planned pattern compatible with the comprehensive plan’s goals for residential development in the Town of Berryville and within the precincts of the Berryville Area Plan.” DR-1 zoning allow for a maximum density of one unit per net developable acre.

Detached Residential – 2 District (“DR-2”) – The DR-2 District “is created to provide for single family detached residences in a carefully planned pattern compatible with the comprehensive plan’s goals for residential development in the Town of Berryville and within the precincts of the Berryville Area Plan.” DR-2 zoning allows for a maximum density of two units per net developable acre.

Business Park District (“BP”) – The BP district “is established to provide locations within the Berryville Area for a broad range of light industrial and business uses. “BP zoning does not allow for residential development.

Proposed Rezoning

The Applicant seeks rezoning of the site to facilitate the contemplated Residential Development. The requested zoning designations for the site are OSR (above) and DR-4:

Detached Residential – 4 District (“DR-4”) – The DR-4 District “is created to provide for the single-family detached residences at higher densities than other single family detached districts.” DR-4 zoning allows for a maximum density of four units per net developable acre.

EXHIBIT A: DEVELOPMENT SITE PLAN



III. Public Facility Impacts

OVERVIEW

This document includes calculations of public facility impacts, which are detailed in the accompanying sub-sections. Included in each sub-section is a discussion of the methodology employed in estimating impacts. The included subsections are as follows:

- **Public school facility improvements** – Projected capacity for Clarke County Schools is determined based on projected incremental students added by the Residential Development.
- **Public safety facility improvements** – Projected call volumes are determined for both Police and Fire and Rescue services based on the projected incremental residents added by the Residential Development.
- **Public park facility improvements** – Impacts are based on projected incremental residents added by the Residential Development.

A separate transportation impact analysis may be prepared to address impacts to public transportation facilities.

III-A. Public School Facility Impacts

METHODOLOGY

To project impacts to public school facilities, MuniCap began by estimating the number of students generated per household by the Residential Development. MuniCap utilized an estimate of 0.321 students per household calculated by dividing the most recent number of County students by the number of County households.

TABLE III-A.1
Students Per Household

| <i>County</i> | <i>Students^(a)</i> | <i>Occupied Housing Units^(b)</i> | <i>Students Per Household</i> |
|---------------|-------------------------------|---|-------------------------------|
| Clarke County | 1,825 | 5,692 | 0.321 |

^(a)Source: Clarke County School Board Adopted FY 23 Budget.
^(b)Source: US Census Bureau, American Community Survey 2021 5-Year Estimates.
https://data.census.gov/table?q=dp04&g=040XX00US51_050XX00US51043&tid=ACSDP5Y2021.DP04

MuniCap then applied the students per household to the proposed units within the Residential Development that exceed development allowed under the current zoning designations. For purposes of this exercise, MuniCap assumed that all projected students are new to Clarke County, rather than relocated from elsewhere within the Clarke County Schools system.

Finally, MuniCap identified the schools that would be impacted by the Residential Development based on school boundaries, researched the maximum capacity at each applicable school, and determined whether the projected net student impacts represented a burden beyond current school capacity.

PROJECTED NET STUDENT IMPACTS

As previously described, the Residential Development includes 214 single-family detached units with 66 single-family detached units allowed by-right. This results in approximately 148 net single family detached units at the site following the proposed rezoning.

There were previously 140 units approved to be built in the Town of Berryville that are no longer being constructed. As these units have already been approved, their future student generation has already been approved within existing school capacity limits. As such, this analysis reduces student capacity by the existing available 140 approved units to estimate the net proffer contribution to the County from the Residential Development proposed by the Applicant. Based on the students per household shown in Table III-A.1, the proposed Residential Development would generate an estimated three students net of by-right and existing approved but not to be developed units, as shown in Table III-A.2.

TABLE III-A.2
Students Generated by Development Above By-Right

| <i>Unit Type</i> | <i>Units</i> | <i>Students Per Unit^(a)</i> | <i>Total Projected Students</i> |
|---|--------------|--|---------------------------------|
| Previously approved units in Town of Berryville - unused^(b) | | | |
| a) Single-family detached | 140 | 0.321 | 44.89 |
| Proposed new units subject to rezoning^(c) | | | |
| b) Proposed single-family detached units | 214 | 0.321 | 68.61 |
| c) Less: units allowed by-right ^(a) | (66) | 0.321 | (21.16) |
| d) Net single-family detached units (b + c) | 148 | | 47.45 |
| e) Net single-family detached units including unused units (d - a) | 8 | | 2.57 |
| Total (net above by-right)^(d) | | | 3.00 |

^(a)See Table III-A.1.
^(b)Represent units that were previously approved by the Town but will not be built. Source: D.R. Horton.
^(c)Represent new proposed units at the Development. Source: D.R. Horton.
^(d)Represent total students, net of by-right and the previously approved units that are unused in the Town of Berryville. Net students are rounded to the next whole number.

To determine the proffer contribution for each school type, it is necessary to further allocate the students generated to elementary, middle, and high schools. Public schools in Clarke County serve kindergarten through 12th grade, or thirteen grades in total. The percentage of students allocated to each school type is assumed as proportional to the ratio of the number of grades each school type serves to the thirteen grades served by County public schools. As an example, elementary schools in the County serve kindergarten through 5th grade, or six grades total. Therefore, 6/13 out of the total students generated are assumed to be elementary school students. Table III-A.3 details this process.

TABLE III-A.3
Students Generated by School Type

| <i>School Type</i> | <i>Grades^(a)</i> | <i>% Of Total Student Generation</i> | <i>Students Generated^(b)</i> | <i>Students from Unused Units^(c)</i> | <i>Students By-Right^(d)</i> | <i>Students Above By-Right^(e)</i> |
|--------------------|-----------------------------|--------------------------------------|---|---|--|--|
| Elementary School | 6 | 46% | 31.67 | (20.72) | (9.77) | 1.00 |
| Middle School | 3 | 23% | 15.83 | (10.36) | (4.88) | 1.00 |
| High School | 4 | 31% | 21.11 | (13.81) | (6.51) | 1.00 |
| Total | 13 | 100% | 68.61 | (44.89) | (21.16) | 3.00 |

^(a)Clarke County elementary schools enroll students in kindergarten through 5th grade, middle schools enroll students in 6th through 8th grades, and high schools enroll students in 9th through 12th grades. Source: Virginia Department of Education School Quality Profiles.
^(b)Calculated as total students generated by proposed development identified in Table III-A.2 multiplied by % of total student generation.
^(c)Calculated as total students generated by previously approved unused units identified in Table III-A.2 multiplied by % of total student generation.
^(d)Calculated as total students allowed by-right in Table III-A.2 multiplied by % of total student generation.
^(e)Students above by-right are rounded to the next whole number.

CURRENT CAPACITY OF PUBLIC SCHOOL FACILITIES

Based on proximity to the Residential Development, the potentially impacted County schools are D.G. Cooley Elementary School, Johnson-Williams Middle School and Clarke County High School. Information explicitly stating the maximum capacity of each school was not available. Therefore, MuniCap researched historical enrollment since Fiscal Year 2014 and assumed that the maximum annual enrollment for each school over the given period represented maximum capacity. Table III-A.4 on the following page details this process.

**TABLE III-A.4
Clarke County School Facilities – Current Capacity and Enrollment**

| School | Enrollment by Fiscal Year ^(a) | | | | | | | | | | Maximum Capacity ^(b) | Excess Capacity | Anticipated Students ^(c) | Proffer Consideration |
|---------------------------|--|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|---------------------------------|-----------------|-------------------------------------|-----------------------|
| | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | | | | |
| D.G. Cooley E.S. | 517 | 502 | 474 | 505 | 510 | 495 | 468 | 452 | 421 | 442 | 517 | 75 | (1) | Meets Capacity |
| Boyce E.S. ^(d) | 339 | 321 | 319 | 300 | 300 | 267 | 257 | 260 | 239 | 284 | 339 | 55 | - | Meets Capacity |
| Johnson-Williams M.S. | 493 | 430 | 417 | 427 | 455 | 463 | 476 | 444 | 390 | 420 | 493 | 73 | (1) | Meets Capacity |
| Clarke County H.S. | 691 | 697 | 723 | 700 | 675 | 690 | 675 | 690 | 663 | 679 | 723 | 44 | (1) | Meets Capacity |
| Total | 2,040 | 1,950 | 1,933 | 1,932 | 1,940 | 1,915 | 1,876 | 1,846 | 1,713 | 1,825 | 2,072 | 247 | (3) | |

^(a)Source: Clarke County Adopted School Budgets from Fiscal Years 2015-2023.
^(b)Total capacity information is not available. Total capacity has been estimated using the maximum enrollment for each school since Fiscal Year 2014.
^(c)See Table III-A.3.
^(d)Boyce Elementary School is not anticipated to serve the Residential Development but is shown to above for comparison purposes only.

Elementary School Facilities

The Residential Development site is within the D.G. Cooley Elementary School boundaries (see Exhibit C). The highest enrollment at D.G. Cooley Elementary School since Fiscal Year 2014 was 517 students, therefore, it is assumed that D.G. Cooley has capacity for at least 517 students. Given the capacity of 517 students and current enrollment of 442 students, there is excess capacity for 75 students. Therefore, the one projected elementary school student above by-right who may reside at the Residential Development does not exceed existing capacity and does not represent an additional need for Clarke County Public Schools facilities.

Middle School Facilities

The Residential Development site is within the Johnson-Williams Middle School boundaries (see Exhibit D). The highest enrollment at Johnson-Williams Middle School since Fiscal Year 2014 was 493 students, therefore, it is assumed that Johnson-Williams Middle School has capacity for at least 493 students. Given the capacity of 493 students and current enrollment of 420 students, there is excess capacity for 73 students. Therefore, the one projected middle school student above by-right who may reside at the Residential Development does not exceed existing capacity and does not represent an additional need for Clarke County Public Schools facilities.

High School Facilities

The Residential Development site is within the Clarke County High School boundaries (see Exhibit E). The highest enrollment at Clarke County High School since Fiscal Year 2014 was 723 students, therefore, it is assumed that Clarke County High School has capacity for at least 723 students. Given the capacity of 723 students and current enrollment of 679 students, there is excess capacity for 33 students. Therefore, the one projected high school student above by-right who may reside at the Residential Development does not exceed existing capacity and does not represent an additional need for Clarke County Public Schools facilities.

EXHIBIT B: AREA MAP (DEVELOPMENT SITE & SCHOOL FACILITIES)

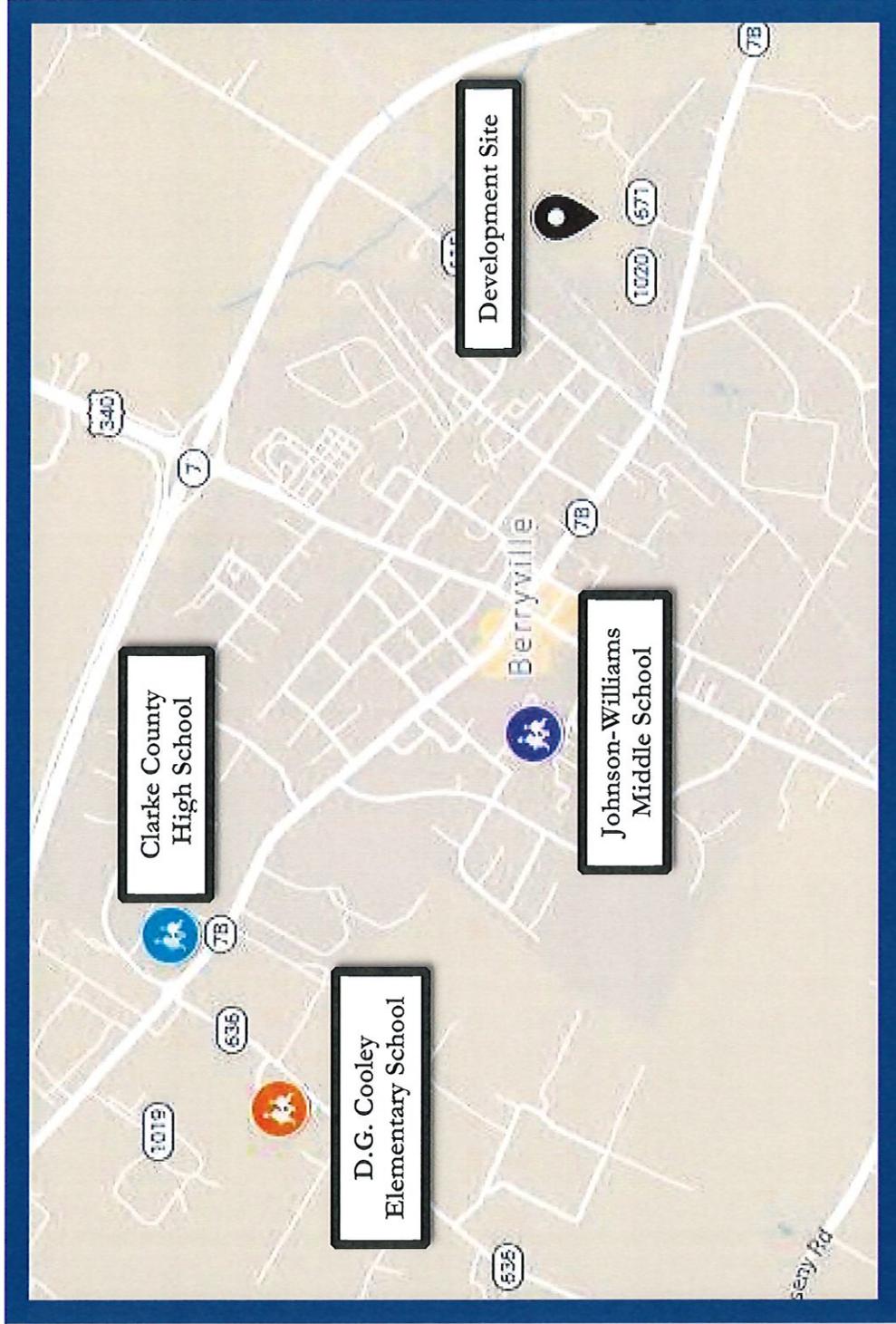


EXHIBIT C: AREA MAP (DEVELOPMENT SITE, D.G. COOLEY ELEMENTARY SCHOOL)

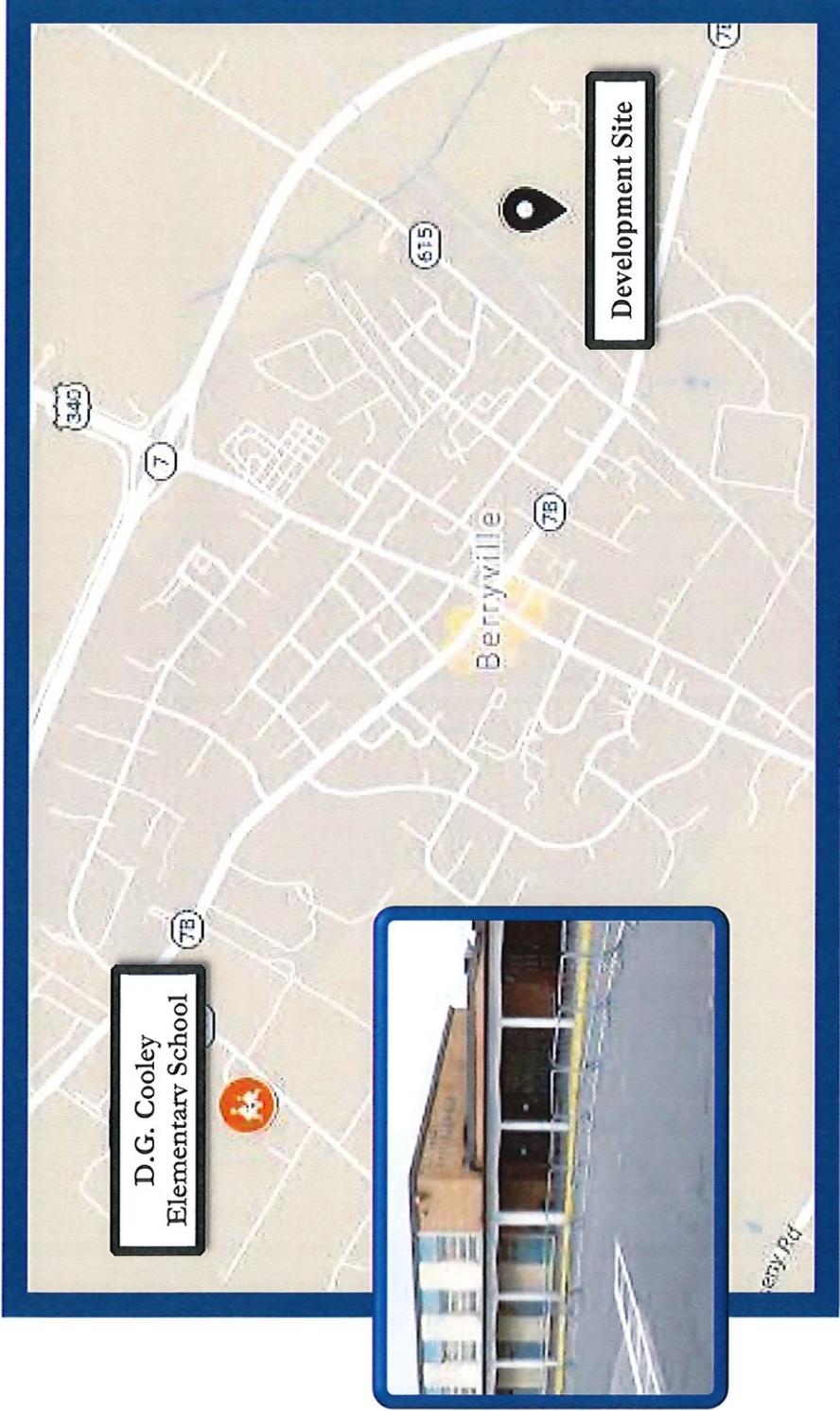
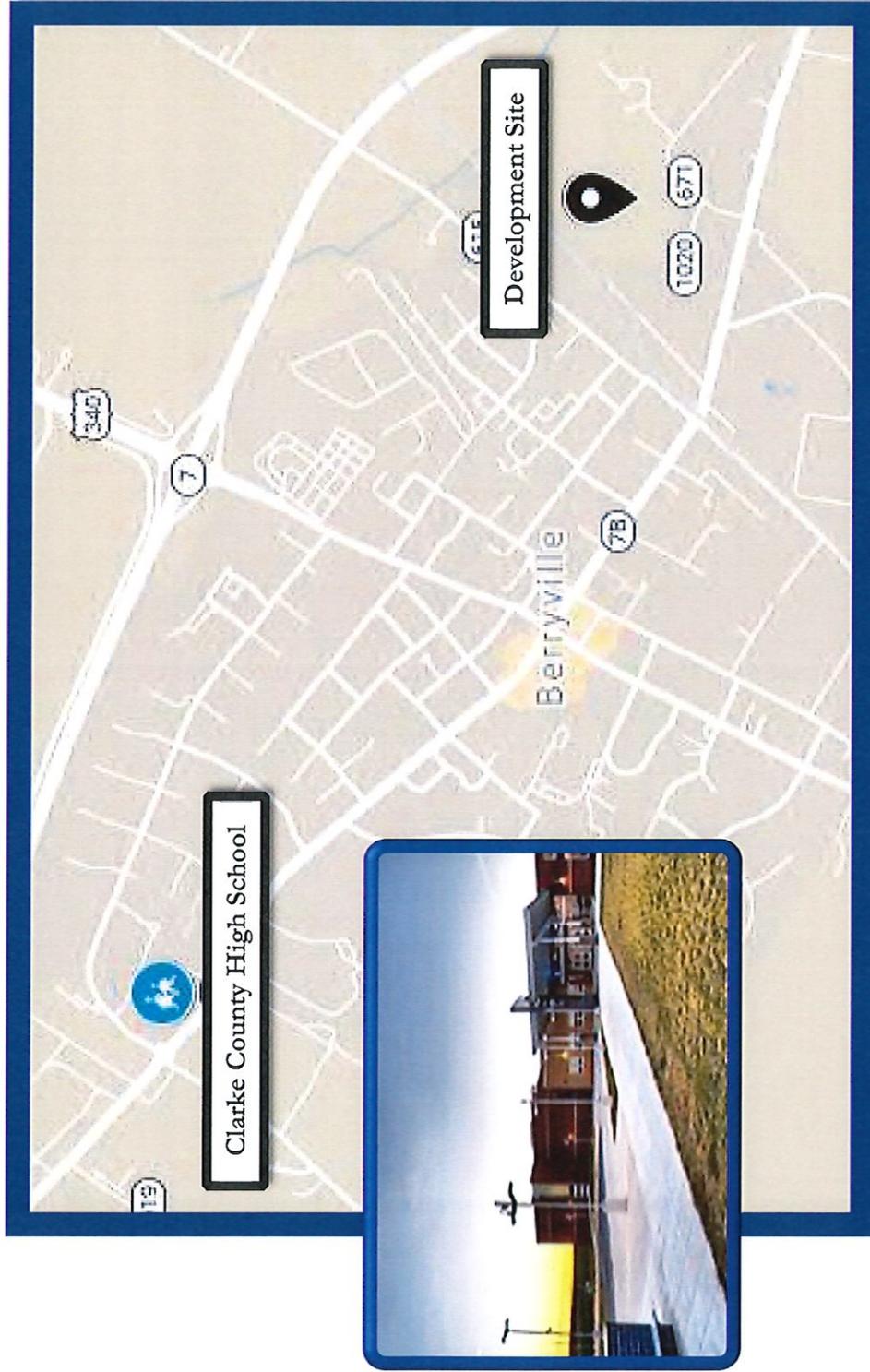


EXHIBIT D: AREA MAP (DEVELOPMENT SITE, JOHNSON-WILLIAMS MIDDLE SCHOOL)



EXHIBIT E: AREA MAP (DEVELOPMENT SITE, CLARKE COUNTY HIGH SCHOOL)



MITIGATION STRATEGIES

The Residential Proffer Legislation stipulates that proffers can only provide for needs exceeding existing capacity. As previously mentioned, the Residential Development is not expected to increase student population in excess of what is allowed by-right, as such, the Residential Development is not anticipated to create an impact on public school facilities. Therefore, no proffer contribution for public school facilities is calculated.

III-B. Public Safety Facility Impacts

METHODOLOGY

To calculate estimated proffer contributions for the County and the Town public safety facilities, MuniCap first estimated the total population that would reside within the proposed Residential Development based on U.S. Census Bureau data. MuniCap then researched public safety improvements in the County and Town Capital Improvement Programs that would be impacted by the Residential Development. There are no identified level of service metrics for County or Town public safety facilities. MuniCap estimated the projected call increase for the Police Department and Fire and EMS services as a result of the Residential Development.

PROJECTED NET RESIDENT IMPACTS

As noted previously, the Development is proposed to have 214 single-family detached units with 66 single-family detached units allowed by-right. There were previously 140 units approved to be built in the Town of Berryville that are no longer being constructed. As such, this analysis reduces the residents generated from the 140 units to anticipate the additional impact from the Residential Development proposed by the Applicant. As demonstrated in Table III-B.1, the Development may house an estimated 22 residents that will reside in units exceeding the current zoning allowance and previously approved units.

TABLE III-B.1
Projected Residents – Development

| <i>Unit Type</i> | <i>Units^(a)</i> | <i>Residents Per Unit^(b)</i> | <i>Total Projected Residents^(c)</i> |
|--|----------------------------|---|--|
| Previously approved units in Town of Berryville - unused^(c) | | | |
| a) Single-family detached | 140 | 2.790 | 390.60 |
| Proposed new units subject to rezoning | | | |
| b) Single-family detached | 214 | 2.790 | 597.06 |
| c) Less: units allowed by-right ^(a) | (66) | 2.790 | (184.14) |
| d) Net single-family detached units (b + c) | 148 | | 413.00 |
| e) Net single-family detached units including unused units (d - a) ^(d) | 8 | | 22.00 |
| Total (net above by-right)^(d) | 8 | | 22.00 |
| ^(a) Source: D.R. Horton. ^(b) United States Census Bureau average household size of owner-occupied unit in the Town of Berryville, Clarke County, VA. ^(c) Represents units that were previously approved in the Town of Berryville but will not be built. Source: D.R. Horton. ^(d) Represent total residents, net of by-right and the previously approved units that are unused in the Town of Berryville. Net residents are rounded to the next whole number. | | | |

CURRENT CAPACITY OF PUBLIC SAFETY FACILITIES

Police Department Facilities

The Residential Development is projected to generate 22 above by-right residents. According to the Town of Berryville’s Police Department Annual Report, Fiscal Year 2022, the Police Department received 1,843 service calls in calendar year 2022. Based on information from the United States Census Bureau, the Town of Berryville population is 4,494; therefore, dividing annual service calls by total Town population yields an estimate of 0.410 service calls per resident per year (calculated as 1,843 calls ÷ 4,494 residents). Multiplying this value by the 22 projected additional residents yields an expected increase of 9.02 service calls per year, as shown in Table III-B.2.

TABLE III-B.2
Projected Police Department Facility Impacts

| <i>Facility Type</i> | <i>Projected Resident Impact^(a)</i> | <i>Call Volume Per Resident^(b)</i> | <i>Projected Call Volume Increase</i> |
|--|--|---|---------------------------------------|
| Police Department | 22 | 0.410 | 9.02 |
| ^(a) See Table III-B.1. ^(b) Source: Town of Berryville Police Department Fiscal Year 2022 Annual Report and US Census Bureau, American Community Survey 2021 5-Year Estimates. | | | |

Neither the County nor the Town’s Capital Improvement Plans include improvements that increase capacity for police or sheriff facilities. Therefore, a proffer contribution has not been contemplated as a result of the Residential Development.

Fire and Rescue Facilities

Based on proximity, John H. Enders Volunteer Fire Department will serve the Residential Development. The station is approximately 2.2 miles from the Residential Development site.

According to the Clarke County Fire & EMS Fiscal Year 2020 Annual Report, the John H. Enders Volunteer Fire Department received 2,015 services call in Fiscal Year 2020. Based on the Town’s population of 4,494, the annual call volume per resident is 0.448 (calculated as 2,015 calls ÷ 4,494 residents). Using this call volume per resident, the 22 projected residents in units above by-right at the Residential Development, would increase overall call volume by 9.86, as shown below in Table III-B.3 on the following page.

TABLE III-B.3
Projected Fire and Rescue Facility Impacts

| <i>Facility Type</i> | <i>Projected Resident Impact^(a)</i> | <i>Call Volume Per Resident^(b)</i> | <i>Projected Call Volume Increase</i> |
|--|--|---|---------------------------------------|
| Fire and Rescue | 22.00 | 0.448 | 9.86 |
| ^(a) See Table III.B-1. ^(b) Source: Clarke County Fire & EMS Fiscal Year 2020 Annual Report and US Census Bureau, American Community Survey 2021 5-Year Estimates. | | | |

Neither the County nor the Town’s Capital Improvement Plans include improvements that increase capacity for fire & rescue facilities. Therefore, a proffer contribution has not been contemplated as a result of the Residential Development.

MITIGATION STRATEGIES

The Residential Proffer Legislation stipulates that proffers can only be used for capital improvements that expand the capacity of relevant public facilities. As previously mentioned, there are no capital improvements within the Town and County Capital Improvement Plans that will increase capacity of public safety facilities. Therefore, no proffer contribution for public safety facilities is calculated.

III-C. Public Parks Facility Impacts

METHODOLOGY

As with public safety facilities impacts, to project impacts on public park facilities, MuniCap first estimated the total population that would reside within the proposed Residential Development based on U.S. Census Bureau data. MuniCap then researched public park improvements in the County and Town Capital Improvement Programs that would be impacted by the Residential Development. There are no identified level of service metrics for Town or County public parks, though MuniCap did calculate proffer contributions for one park project identified in the Clarke County Capital Improvement Plan Fiscal Years 2023-2028 that would increase capacity in County parks.

PROJECTED NET RESIDENT IMPACTS

As previously the Residential Development is proposed to have 214 single-family detached units with 66 single-family detached units by-right and 140 previously approved units that are no longer to be constructed. As a result, the Development may house an estimated 22 residents that will reside in units exceeding the current zoning allowance and previously approved units, as shown in Table III-B.1.

MITIGATION STRATEGIES

Any proffer related to public parks must only mitigate costs reasonably attributable to the increase in population caused by the Residential Development. There are no park improvements that will increase park capacity identified in the Town CIP. Proffers to the County have been estimated to take into account the planned park project outlined in the Clarke County CIP as seen below in Table III-C.1.

TABLE III-C.1
Projected County Proffer Costs – Public Parks Facility Improvements

| <i>Public Park Facilities</i> | |
|--|-----------------|
| <u>New baseball field</u> | |
| a) Cost for expansion of new baseball field ^(a) | \$125,000 |
| b) Current population of Clarke County ^(b) | 14,726.00 |
| c) Total projected Development residents net of by-right ^(c) | 22.00 |
| d) Total projected County population (b + c) | 14,748.00 |
| e) Project cost per capita (a ÷ d) | \$8.48 |
| f) Sub-total: new baseball field proffer contribution for Development (c × e) | \$186.56 |
| Proffer Contribution: per single-family detached unit (f ÷ 214) | \$0.87 |
| ^(a) Source: Clarke County Adopted Capital Improvement Plan FY 2023-2028. ^(b) US Census Bureau, American Community Survey 2021 5-Year Estimates. https://www.census.gov/quickfacts/fact/table/clarkecountyvirginia/PST045219 ^(c) See Table III-B.1. | |

After appropriate County staff has had the opportunity to review this document and provide comments, the Applicant will coordinate with the County to confirm the proper amount necessary to mitigate the costs of eligible public park facility improvements. The Applicant will undertake efforts necessary to ensure that the proposed mitigation strategy is consistent with all applicable law, including, but not limited to, the Residential Proffer Legislation.

III-D. Public Transportation Facility Impacts

METHODOLOGY

A separate transportation impact analysis may be prepared to address impacts to public transportation facility improvements.

IV. CONCLUSIONS

SUMMARY OF ANALYSIS

The preceding narrative provides projections of impacts to public facilities in accordance with the Residential Proffer Legislation. This narrative is being submitted for review and comment by the appropriate Town and County staff. Upon receipt of such review and commentary, the Applicant will augment this submission with additional information as appropriate. Based on MuniCap's analysis, the estimated cash proffer that may be collected from the Residential Development is as shown in Table IV-A and Table IV-B.

TABLE IV-A
Total Town of Berryville Estimated Proffer Contribution

| Public Facilities | Estimated Proffer per Dwelling Unit |
|--|-------------------------------------|
| a) Public school facilities cost per unit | N.A. |
| b) Public safety facilities cost per unit | N.A. |
| c) Public parks facilities cost per unit | N.A. |
| d) Public transportation facilities per unit | N.A. |
| e) Total estimated proffer per unit | N.A. |
| Total estimated proffer per unit type | |
| f) Single-family detached units (e x 214) ^(a) | \$0.00 |
| Total Development proffer contribution | \$0.00 |
| ^(a) See Table III-B.1. | |

TABLE IV-B
Total Clarke County Estimated Proffer Contribution

| Public Facilities | Estimated Proffer per Dwelling Unit |
|--|-------------------------------------|
| a) Public school facilities cost per unit | N.A. |
| b) Public safety facilities cost per unit | N.A. |
| c) Public parks facilities cost per unit ^(a) | \$0.87 |
| d) Public transportation facilities per unit | N.A. |
| e) Total estimated proffer per unit | \$0.87 |
| Total estimated proffer per unit type | |
| f) Single-family detached units (e x 214) ^(b) | \$186.56 |
| Total Development proffer contribution | \$186.56 |
| ^(a) See Table III-C.1. | |
| ^(b) See Table III-B.1. | |

ASSUMPTIONS AND LIMITATIONS

In preparation of this narrative, MuniCap relied on multiple sources for the information presented and used herein. While these sources are believed to be reliable, MuniCap has not undertaken any efforts to independently verify the veracity of such information.

While the methodology employed, and the content provided herein, are believed to be consistent with applicable law, including the Residential Proffer Legislation, none of the statements in this document should be construed as legal advice.

***Friant, Hermitage Phase 5 and Shenandoah/Fellowship Revenue Summary
Town of Berryville, Virginia***

Estimated Annual Revenues to the Town of Berryville from Friant, Hermitage, and Shenandoah/Fellowship Developments

| | <i>Friant</i> ¹ | <i>Hermitage Phase 5</i> | <i>Shenandoah/ Fellowship</i> |
|--|----------------------------|--------------------------|-----------------------------------|
| Units ² | 214 | 71 | 132 |
| Estimated new residents ³ | 597 | 198 | 368 |
| Average assessed value ² | \$565,990 | \$670,000 | \$600,000 |
| Real property tax rate ⁴ | \$0.20 | \$0.20 | \$0.20 |
| Annual tax per unit | \$1,132 | \$1,340 | \$1,200 |
| Total development real property tax revenues | \$242,244 | \$95,140 | \$158,400 |
| Cars per household ⁵ | 2.23 | 2.23 | 2.23 |
| Total cars per development | 477 | 158 | 295 |
| Personal property tax per vehicle ⁶ | \$384 | \$384 | \$384 |
| Annual personal property tax | \$857 | \$857 | \$857 |
| Total development personal property tax revenues | \$183,454 | \$60,866 | \$113,159 |
| License Fees ⁴ | \$25 | \$25 | \$25 |
| Total development license fees | \$11,937 | \$4,950 | \$9,200 |
| Utility Tax Revenues ⁷ | | | |
| Electric residential tax cap | \$3 | \$3 | \$3 |
| Annual electric tax revenue | \$7,704 | \$2,556 | \$4,752 |
| Natural Gas residential tax cap | \$3 | \$3 | \$3 |
| Annual natural gas tax revenue | \$7,704 | \$2,556 | \$4,752 |
| Total development utility tax revenues | \$15,408 | \$5,112 | \$9,504 |
| Per resident additional revenues ⁸ | \$102 | \$102 | \$102 |
| Total additional revenues | \$60,624 | \$20,105 | \$37,366 |
| Total estimated annual revenues | \$513,668 | \$186,172 | \$327,629 |
| Total estimated revenues per unit | \$2,400 | \$2,622 | \$2,482 |

¹See fiscal impact analysis prepared by MuniCap dated 8.1.23.

²Provided by D.R. Horton.

³Source: Based on persons per unit estimate (2.79 per unit) provided by the United States Census Bureau, American Community Survey 2021 5-Year Estimates.

⁴Represents the rate for tax year 2023. Source: Town of Berryville Operating Budget and Capital Improvement Plan for Fiscal Year 2024.

⁵Based on average number of vehicles per owner-occupied unit in the Town of Berryville. Source: U.S. Census Bureau, 2021 American Community Survey 5-Year Estimates.

⁶Applies the personal property tax rate (\$1.25 per \$100) as identified in the Town of Berryville Operating Budget and Capital Improvement Plan for Fiscal Year 2024 to the average assessed value per vehicle (\$30,736) as identified in the NADA Annual Report.

⁷Based on monthly residential cap for electric (\$3) and natural gas tax revenues (\$3). Source: Town of Berryville Budget and Capital Improvement Plan for Fiscal Year 2024.

⁸Based on local sales tax and meals tax revenues per resident based on current Town of Berryville Operating Budget and Capital Improvement Plan for Fiscal Year 2024. See Schedule VI-A of the fiscal impact analysis prepared by MuniCap dated 8.1.23.

Friant, Hermitage Phase 5 and Shenandoah/Fellowship Revenue Summary Clarke County, VA

Estimated Annual Revenues to Clarke County from Friant, Hermitage, and Shenandoah/Fellowship Developments

| | <i>Friant</i> | <i>Hermitage Phase 5</i> | <i>Shenandoah/Fellowship</i> |
|--|----------------------|---------------------------------|-------------------------------------|
| Units ¹ | 214 | 71 | 132 |
| Estimated new residents ² | 597 | 198 | 368 |
| Average assessed value ¹ | \$565,990 | \$670,000 | \$600,000 |
| Real property tax rate ³ | \$0.60 | \$0.60 | \$0.60 |
| Annual tax per unit | \$3,396 | \$4,020 | \$3,600 |
| Total development real property tax revenues | \$726,731 | \$285,420 | \$475,200 |
| Cars per household ⁴ | 2.23 | 2.23 | 2.23 |
| Total cars per development | 477 | 158 | 295 |
| Personal property tax per vehicle ⁵ | \$1,313 | \$1,313 | \$1,313 |
| Annual personal property tax | \$2,927 | \$2,929 | \$2,929 |
| Total development personal property tax revenues | \$626,463 | \$207,966 | \$386,641 |
| Per resident additional revenues ⁶ | \$191 | \$191 | \$191 |
| Total additional revenues | \$114,148 | \$37,858 | \$70,363 |
| Total estimated annual revenues | \$1,467,343 | \$531,244 | \$932,203 |
| Total estimated revenues per unit | \$6,857 | \$7,482 | \$7,062 |

¹ Provided by D.R. Horton.

² Source: Based on persons per unit estimate (2.79 per unit) provided by the United States Census Bureau, American Community Survey 2021 5-Year Estimates.

³ Represents the rate for tax year 2023. Source: Clarke County CY 2023 Tax Rate Resolution.

⁴ Based on average number of vehicles per owner-occupied unit in the Town of Berryville. Source: U.S. Census Bureau, 2021 American Community Survey 5-Year Estimates.

⁵ Applies the personal property tax rate (\$4,271 per \$100) as identified in the CY2023 Tax Rate Resolution to the average assessed value per vehicle (\$30,736) as identified in the NADA Annual Report.

⁶ Based on Clarke County FY24 Budget. Anticipated revenues to be impacted include sales and use tax, meals tax, fees for ambulance and rescue services, recreation center fees, swimming pool fees, and parks program fees. Analysis evaluates resident impacts only and does not evaluate impacts from employees and total service population (i.e. employees and residents combined).



UNIVERSAL ENGINEERING SCIENCES

Consultants In: Geotechnical Engineering • Environmental Sciences
Geophysical Services • Construction Materials Testing • Threshold Inspection
Building Inspection • Plan Review • Building Code Administration

LOCATIONS:

- Atlanta
- Charlotte
- Daytona Beach
- DC Metro
- Fort Myers
- Fort Pierce
- Gainesville
- Jacksonville
- Miami
- Ocala
- Orlando (Headquarters)
- Palm Coast
- Panama City
- Pensacola
- Rockledge
- Sarasota
- St. Petersburg
- Tampa
- Tifton
- West Palm Beach

August 3, 2023

D.R. Horton
7925 Jones Branch Dr., Ste. 6220
Tyson's VA 22102

Attention: Mr. Stephen Lucas
Entitlements Analyst
SJLucas@drhorton.com

Reference: **Geotechnical Exploration**
Friant Property Residential Development
29 Battletown Drive
Berryville, Clarke County, VA
UES Project No. 0528.G0836

Dear Mr. Lucas:

Universal Engineering Sciences (UES) has completed a geotechnical exploration at the above-referenced site in Winchester, Virginia. Our scope of services was performed in general accordance with UES Proposal No. 0528.G0836.

This report contains the results of our study, an engineering interpretation of the subsurface data obtained with respect to the presence of karst subsurface anomalies, geotechnical design recommendations, and construction and site preparation considerations pertaining to mitigation of Karst terrane features.

INTRODUCTION

GENERAL

UES previously performed a geotechnical exploration for the subject property in December, 2021. The results of our geotechnical exploration can be found in our *Report of Geotechnical Exploration* dated December 29, 2021. As part of this geotechnical exploration, and as required by Clark County, Virginia, a geophysical survey was conducted throughout the property. The geophysical survey was performed by Forrest Environmental Services, Inc. subcontracted by UES to determine the presence of any surface and/or subsurface anomalies related to Karst terrane. Based on the results of the geophysical survey, it was recommended to perform additional testing to explore the nature and extent of the anomalies detected. This letter report contains the results and interpretation of field data from the additional field testings

SITE AND PROJECT DESCRIPTION

The subject property is comprised of Clarke County Tax Map No. 14 A 80. More specifically, the site is located at 29 Battletown Drive in Clarke County, Virginia. The site is mostly undeveloped with sparse trees, natural grasses and fences to cordon off grazing livestock. A cursory review of available historical aerials for the site shows the property has been generally used for agricultural purposes and maintained in its current condition for some time. No water features were observed during our site visit.

We were provided a *Composite Grading Plan* prepared by Dewberry dated October, 2021 that showed the site configurations of the proposed house lots, roadway alignments and stormwater management facilities.

SUBSURFACE EXPLORATION

The soil test borings for the field exploration were performed with an truck mounted D50 drill and consisted of a total of seventeen (17) soil test borings designated AP-1 through AP-17 and nineteen (19) corresponding offsets designated AP-1A, AP1-B, AP-2A, AP-2B, AP-3A and AP-5A through AP-17A. The borings were extended to depths of ranging from 40 feet below the existing ground surface and auger refusal. Drilling without sampling, also known as Auger Probes, was performed in the borings for this phase of the project.

Horizontal and vertical survey control was not provided for the test boring locations prior to or during our field exploration program. UES personnel located the borings on site by using the provided site plan, existing on-site landmarks, and by using a handheld GPS device. The boring locations should be considered approximate and accurate to the degree of the methods described. If more exact locations are desired, a professional surveyor should be engaged to have the borings located in the field. The approximate locations of the borings and test pits performed for this geotechnical exploration are shown on the attached "Test Location Plan" in Appendix B.

SUBSURFACE CONDITIONS

GENERAL

The boring logs and related information included in this report are indicators of subsurface conditions only at the specific locations and times noted. Subsurface conditions, including groundwater levels and the presence of deleterious materials, at other locations on the site may differ significantly from conditions which, in the opinion of UES, exist at the sampling locations. Note, too, that the passage of time may affect conditions at the sampling locations.

AREA GEOLOGY

The site is located within the northern corner of the Ridge and Valley geophysical province of Virginia. The Ridge and Valley geophysical province is comprised of Paleozoic sedimentary rocks including sandstones, shales, limestones, siltstones and dolostones that are mildly folded or nearly horizontal of Devonian, Mississippian and Pennsylvanian age. These strata were deposited in the huge Paleozoic sedimentary basin that lay west of the rising Appalachian Mountains that was uplifted during the Alleghenian and Tertiary orogeny. The present landscape is characterized by long, parallel, narrow, even-crested ridges rising above intervening valleys of varying size. According to the USGS, the Conococheague Formation is listed as the underlying parent bedrock of the site and is comprised of limestone, dolomite and calcareous sandstone.

GEOPHYSICAL SURVEY SUMMARY

A geophysical survey was performed for this site in general accordance with requirements of Clarke County, VA. The results of this survey are included in the appendix of our previous report dated December 29th, 2021. Several subsurface anomalies were detected in the course



of the ERI testing. These areas shall be observed during development. The following is a summary of the anomalies found during the geophysical survey and those which were tested during this most recent geotechnical exploration.

The following summarizes the findings of the Karst survey performed by Forrest Environmental. For more detailed information, please refer to the report from Forrest Environmental in the Appendix.

- ER Line 1: Three conductive anomalies 25 to 50 feet below the ground surface. Anomalies appear to be mud seams/caverns and a solution channel.
- ER Line 2: Three resistive anomalies 25 to 50 feet below the ground surface. Anomalies appear to be air filled voids. Three conductive anomalies 25 feet below the ground surface appear to be solution channels.
- ER Line 3: Three conductive anomalies 5 to 60 feet below the ground surface and appear to be a solution channel and a saturated fracture.
- ER Line 4: One resistive anomaly appears to be limestone float.
- ER Line 5: Three conductive anomalies 5 to 60 feet below the ground surface. Anomalies appear to be a mud seam/cavern, a solution channel and a saturated fracture.
- ER Line 6: Two conductive anomalies 50 and 20 feet below the ground surface appear to be mud seam/cavern and solution channel, respectively.

AUGER REFUSAL

Auger probes were performed along the previous ERI alignments in order to explore the nature of the subsurface anomalies that need to be observed during development. Auger refusal was encountered throughout the site and is defined as the limit of selected drill tools to advance the borings or continue cutting the material to extend the boring to greater depths. Based on our previous work on this site, auger refusal likely occurred at interface of the underlying parent bedrock and/or on pinnacles of bedrock throughout the site. Additionally, auger refusal depths were erratic and in line with the geophysical survey suggesting that pinnacles of parent bedrock are present throughout the site. Auger refusal was encountered in the following borings and depths shown in Table I.

**TABLE I
 AUGER REFUSAL DEPTHS**

| BORING ID | REFUSAL DEPTH (ft) | | BORING ID | REFUSAL DEPTH (ft) |
|-----------|--------------------|--|-----------|--------------------|
| AP-1 | 2.0 | | AP-9A | 14.5 |
| AP-1A | 3.5 | | AP-10 | 21.5 |
| AP-1B | 4.5 | | AP-10A | 9.5 |
| AP-2 | 3.0 | | AP-11 | 9.5 |



**TABLE I
 AUGER REFUSAL DEPTHS**

| BORING ID | REFUSAL DEPTH (ft) | | BORING ID | REFUSAL DEPTH (ft) |
|-----------|--------------------|--|-----------|--------------------|
| AP-2A | 6.5 | | AP-11A | 14.0 |
| AP-2B | 11.0 | | AP-12 | 8.5 |
| AP-4 | 10.5 | | AP-12A | 3.0 |
| AP-4A | 15.0 | | AP-13 | 3.5 |
| AP-5 | 10.0 | | AP-13A | 3.5 |
| AP-5A | 15.5 | | AP-14 | 12.0 |
| AP-6 | 14.0 | | AP-14A | 20.5 |
| AP-6A | 12.5 | | AP-15 | 6.0 |
| AP-7 | 7.0 | | AP-15A | 14.0 |
| AP-7A | 20.5 | | AP-16 | 9.0 |
| AP-8 | 5.0 | | AP-16A | 16.5 |
| AP-8A | 25.5 | | AP-17 | 8.0 |
| AP-9 | 15.5 | | AP-17A | 3.5 |

GROUNDWATER

Groundwater was not observed within the borings at the completion drilling after the augers had been removed. Groundwater was not observed within the remainder of the soil test borings. This could be due to the fine-grained nature of the surficial soils coupled with their low permeability and high runoff class. While we do not anticipate groundwater to impact site development, groundwater often varies seasonally and climatically and could be present at depths or locations not explored for the preparation of this report. If more accurate water level readings are required for stormwater management facility design, we recommend installing temporary piezometers and monitoring the water levels after a suitable stabilization period.

GEOTECHNICAL ASSESSMENT AND SITE PREPARATION

Generally, the auger probes performed for this phase of geotechnical exploration could not be extended to the target depths estimated from the ERI profiles of the geophysical survey due to shallow refusals on parent bedrock for the majority of anomalies explored. The exception being Boring AP-4 which was extended to the target depth of 40 feet. It is likely that this anomaly has weathered to at least 40 feet below the existing ground surface and the solution channel indicated on ERI line 3 of the geophysical survey could be present do greater depths.

We recommend following the guidelines listed below to mitigate risk of subsidence:

While the bedrock above the anomalies appears to be sound, and the throats of infiltration or solution channels was not encountered during this geotechnical exploration, future solution and migration of soils through these subsurface features



could still be possible if control of surface runoff is not properly executed. We recommend that local grading and drainage requirements and practices be followed to reduce the chance that infiltration of surface water into the subsurface anomalies occurs after completion of construction.

Utilizing suitably impermeable soils as structural fill can mitigate the risk of infiltration of surface waters to the anomalies causing ground subsidence/sinkholes. **Based on visual and laboratory classifications from our previous geotechnical exploration, the onsite soils appear to be suitable for use as impermeable fills for project development.**

Additionally, since site grading activities can change the existing runoff and drainage characteristics of the site, we recommend you monitor the site for subsidence or sinkhole activity during and after construction. Any sinkholes discovered should be excavated and the throat sealed off with a reverse graded filter. Additional methods of preventing infiltration and sealing off repaired sinkholes include the use of impermeable geosynthetic membranes. While effective, the use of these membranes can be cost prohibitive for projects of this size and should be reserved for more severe cases such as beneath stormwater ponds or detention areas.

We recommend comprehensive erosion control meeting or exceeding the Clark County, Virginia stormwater management requirements. Excavations should not be left open for extended periods of time. The final lifts of mass fills, swales and pond liners should be constructed with low permeability materials.

CLOSING

We appreciate the opportunity to have worked with you on this project and look forward to a continued association. Please do not hesitate to contact the undersigned if you should have any questions, or if we may further assist you as your plans proceed.

Respectfully submitted,
UNIVERSAL ENGINEERING SCIENCES



Parham Safarian Bahri, PE
Geotechnical Department Manager
Virginia PE License No. 0402061951







WELLS + ASSOCIATES

FRIANT PROPERTY

TRAFFIC IMPACT ANALYSIS

August 3, 2023



EXECUTIVE SUMMARY

Project Description

The Friant Property site is approximately ±97.84 acres, located in the growth area of the Town of Berryville, south of Route 7 Bypass, north of East Main Street, and east of the Norfolk-Southern railroad line. The site is further identified as Tax Map 14-A-80. D.R. Horton, (the “Applicant”) proposes to develop up to 66 single-family detached dwelling units (DU). Full-movement access to the new community is anticipated to connect to a master-planned collector road extension from Battletown Drive which would ultimately extend through Sub-area 17 to E. Main Street south of Route 7 Bypass. A secondary entrance would be provided on the eastern section of Battletown Drive.

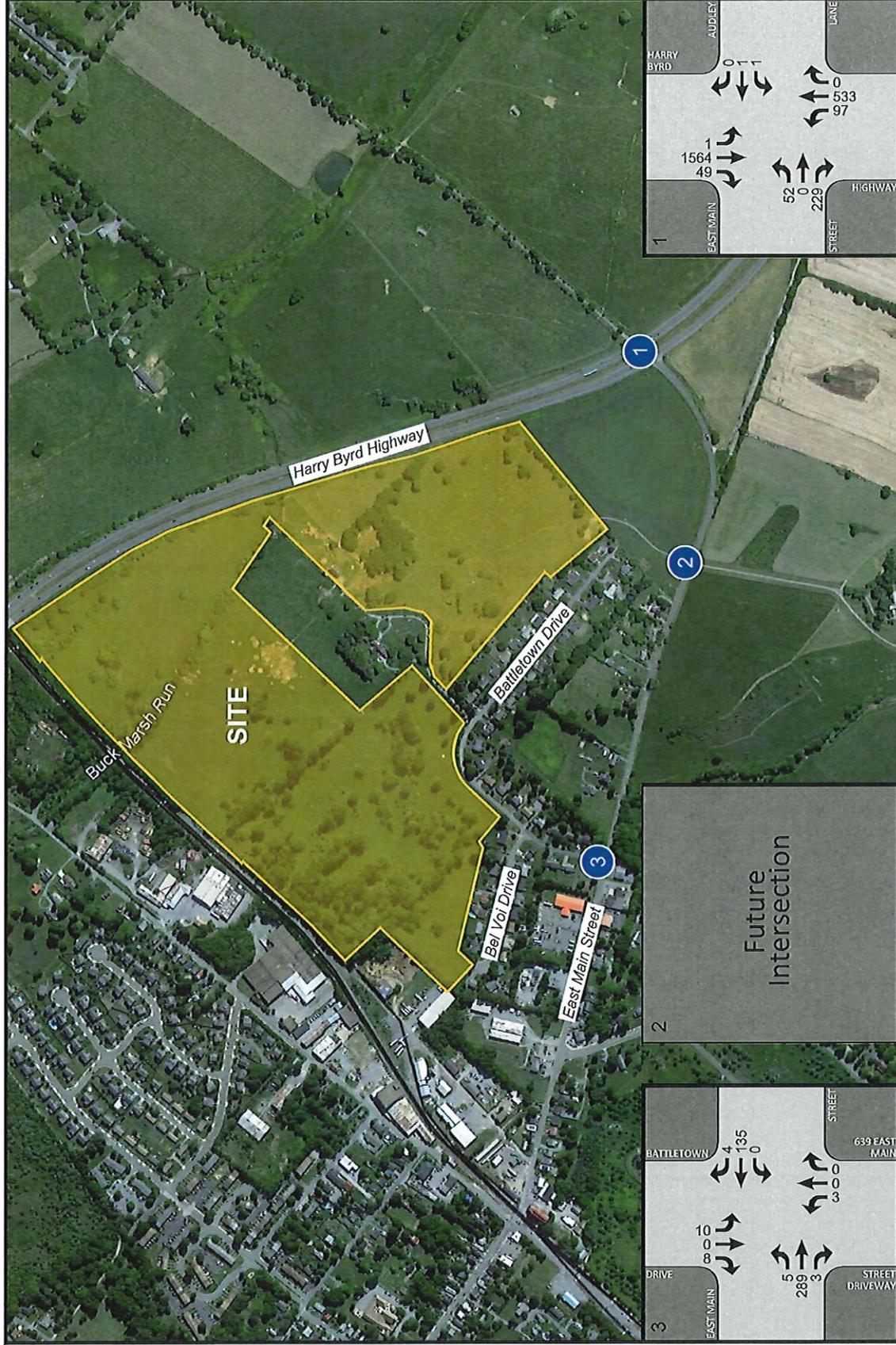
Conclusions and Recommendations

The conclusions of this study are:

1. The existing (2022) signalized study intersection operates at an acceptable overall LOS “D” during both AM and PM peak hours. Existing unsignalized study intersections operate at LOS “B”, or better. Existing turning movement queues are accommodated by the available storage.
2. Under background future (2026) conditions (including regional growth), the future signalized study intersection would continue to operate at an acceptable overall LOS “D” during both AM and PM peak hours. Future unsignalized study intersections would operate at LOS “B”, or better, consistent with existing conditions. Background future turning movement queues would be accommodated by the available storage.
3. The proposed Friant Property development would generate 51 AM peak hour trips, 67 PM peak hour trips, and 688 average daily trips at full build-out.
4. Under total future (2026) conditions (including an extension of Battletown Drive and new connection to E. Main Street), the future signalized study intersection would continue to operate at an acceptable overall LOS “D” during both AM and PM peak hours. Future unsignalized study intersections would operate at LOS “B”, or better, consistent with background conditions. Total future turning movement queues would be accommodated by the available storage.
5. The proposed development entrances meet minimum intersection spacing requirements. Left and right turn lanes are not warranted along E Main Street at the intersection with Battletown Drive; however, a right turn lane and taper at the intersection of E Main Street and the New Access Road.

The recommendations of this study are:

1. Construct the proposed site entrances in the location shown on the General Development Plan.
2. Provide a connection to E. Main Street at the proposed extension of Battletown Drive.

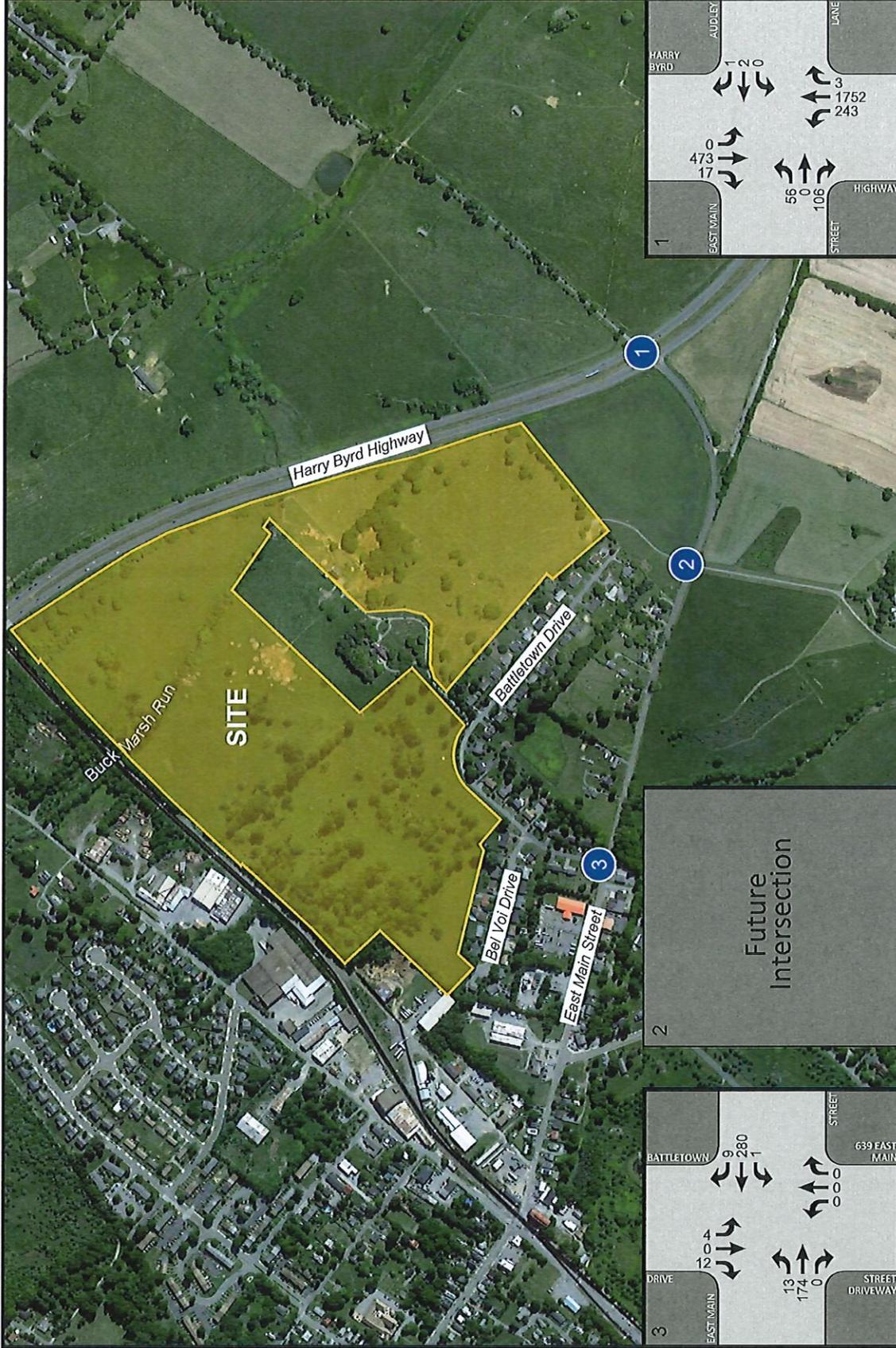


NORTH
 Friant Property
 Town of Berryville/Clarke County, Virginia

Study Intersection

Figure 1A
 Existing (2022) AM Peak Hour Traffic Counts



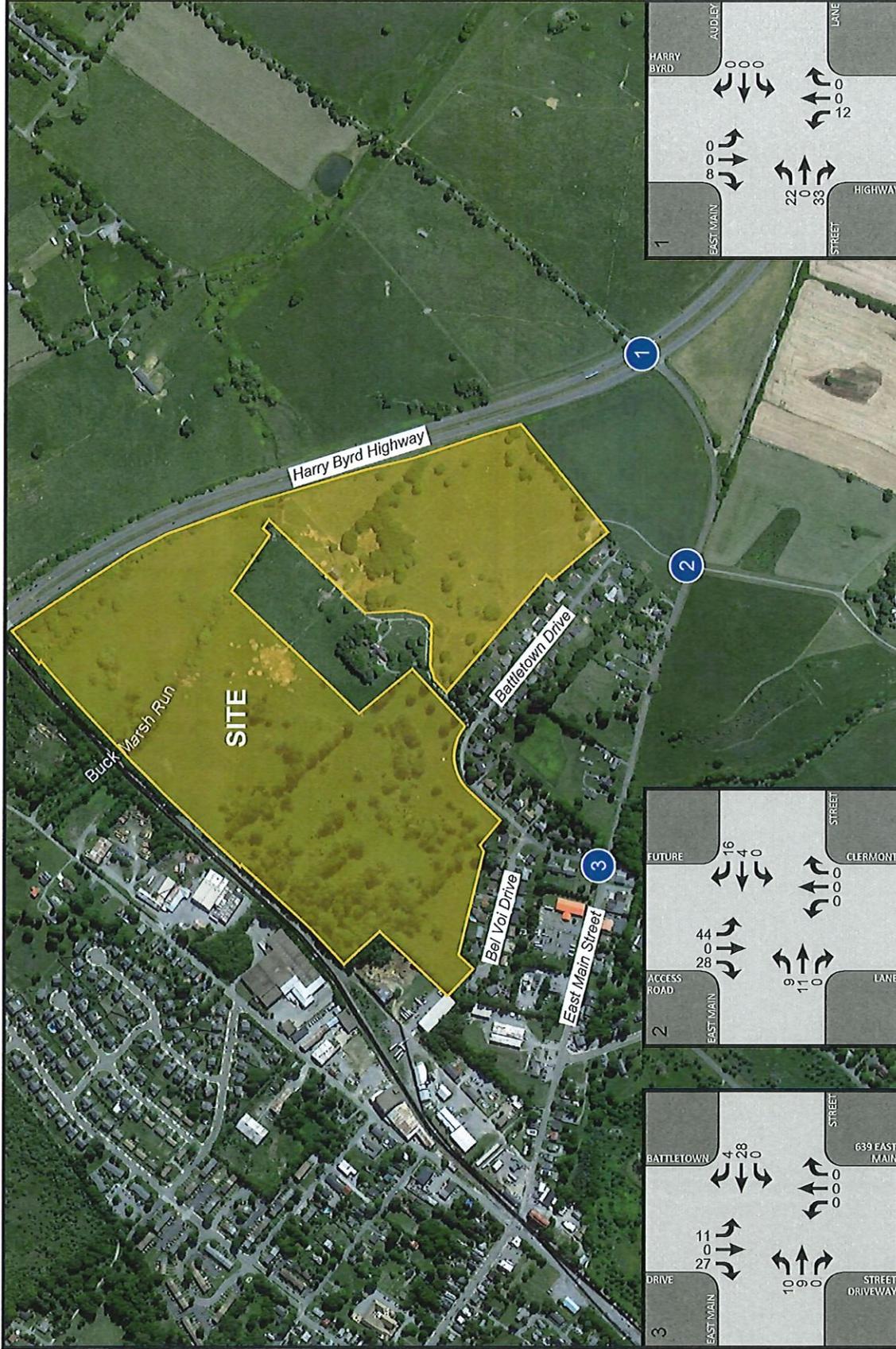


NORTH
 Friant Property
 Town of Berryville/Clarke County, Virginia

Study Intersection

Figure 1B
 Existing (2022) PM Peak Hour Traffic Counts





NORTH
Friant Property
Town of Berryville/Clarke County, Virginia

Study Intersection

Figure 2A
AM Peak Hour Site Trip Assignments
(214 Dwelling Units)





NORTH
 Friant Property
 Town of Berryville/Clarke County, Virginia

Study Intersection

Figure 2B
 PM Peak Hour Site Trip Assignments
 (214 Dwelling Units)



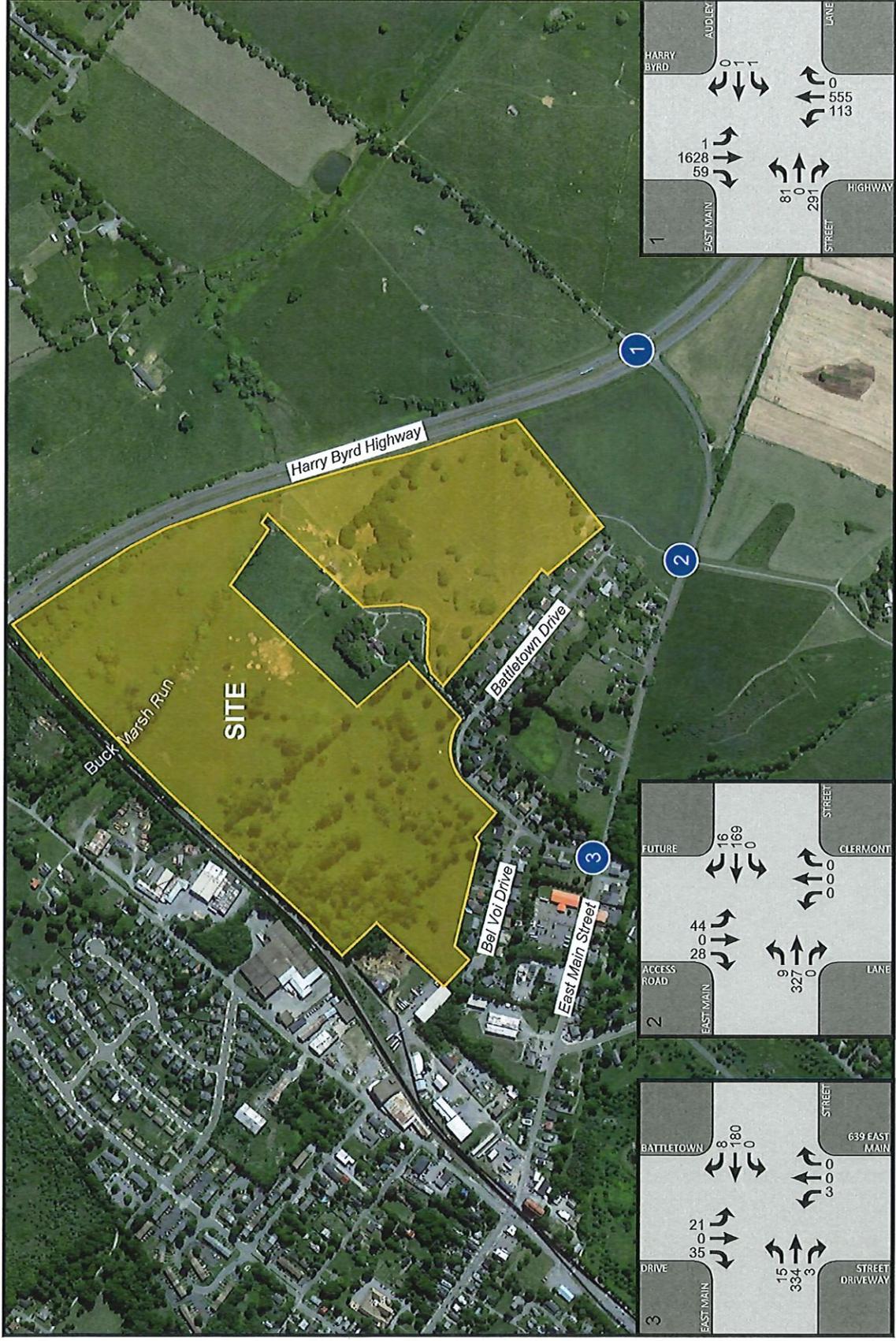


Figure 3A
 Total Future (2026) AM Peak Hour Traffic Forecasts
 (214 Dwelling Units)

NORTH
 Friant Property
 Town of Berryville/Clarke County, Virginia





NORTH
Friant Property
Town of Berryville/Clarke County, Virginia

Figure 3B
Total Future (2026) PM Peak Hour Traffic Forecasts
(214 Dwelling Units)

Study Intersection



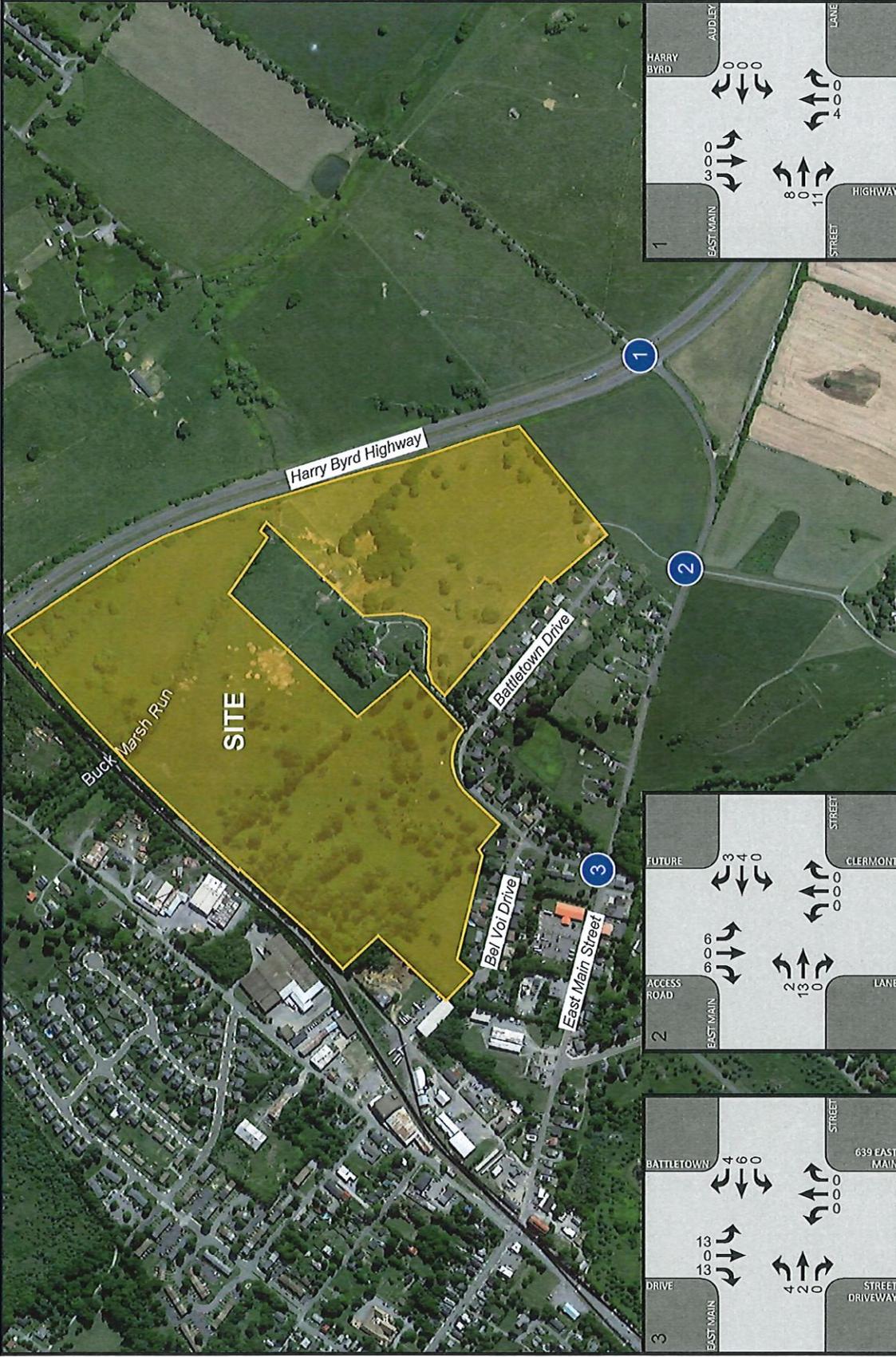


Figure 4A
 AM Peak Hour Site Trip Assignments
 (66 Dwelling Units)

NORTH
 # Study Intersection
 Friant Property
 Town of Berryville/Clarke County, Virginia



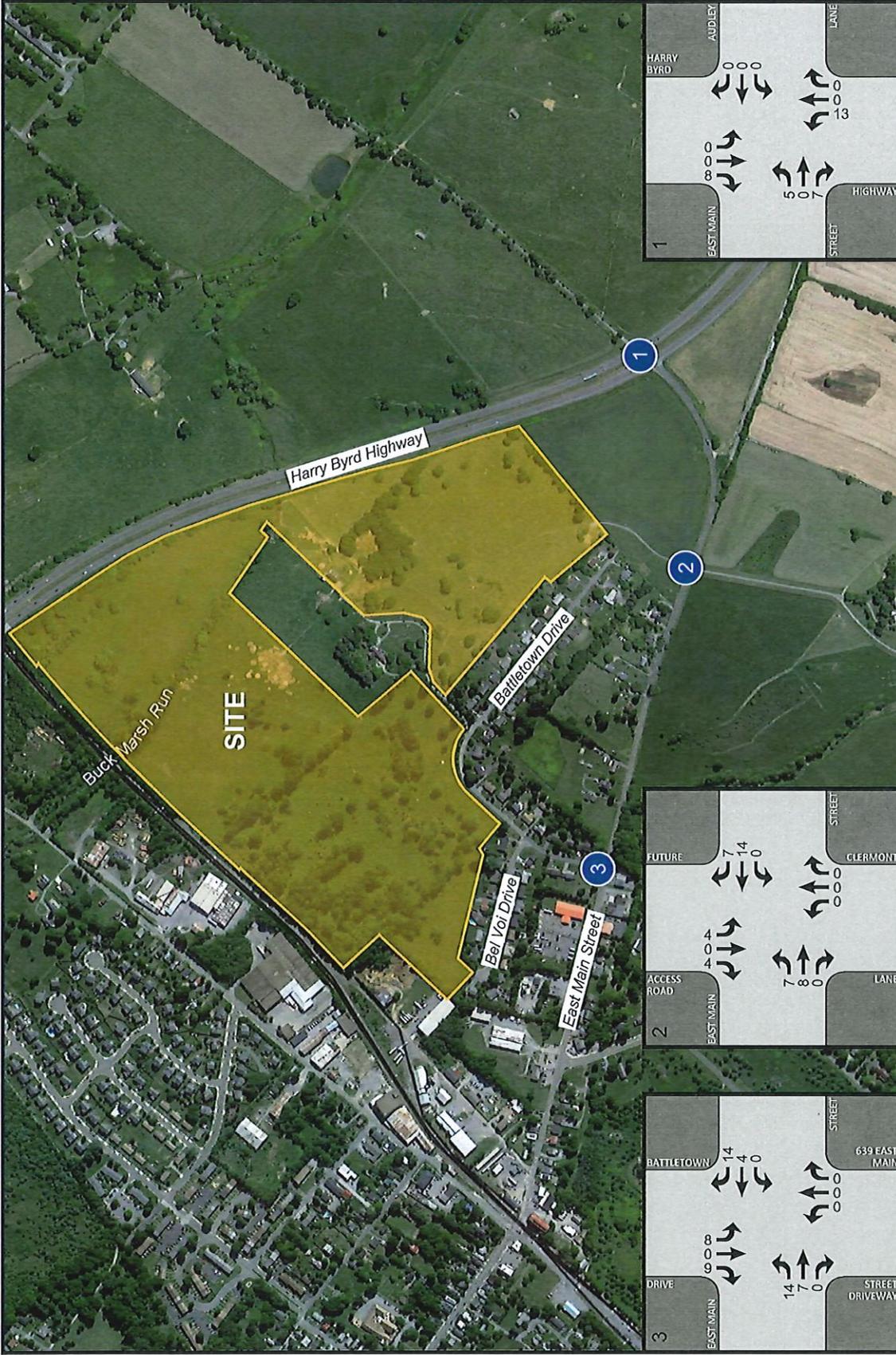


Figure 4B

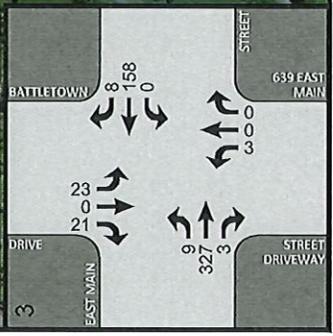
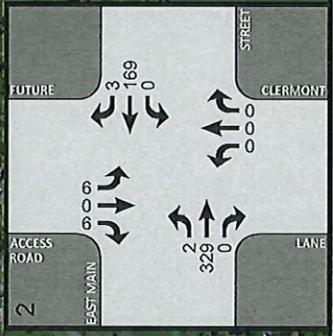
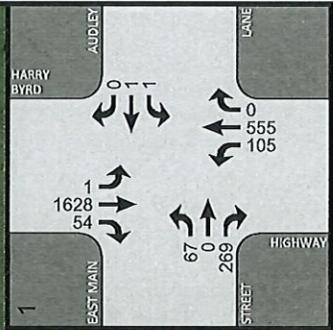
PM Peak Hour Site Trip Assignments
(66 Dwelling Units)

Study Intersection



NORTH
Friant Property
Town of Berryville/Clarke County, Virginia





 NORTH
 Friant Property
 Town of Berryville/Clarke County, Virginia

Figure 5A
 Total Future (2026) AM Peak Hour Traffic Forecasts
 (66 Dwelling Units)

 Study Intersection





Figure 5B

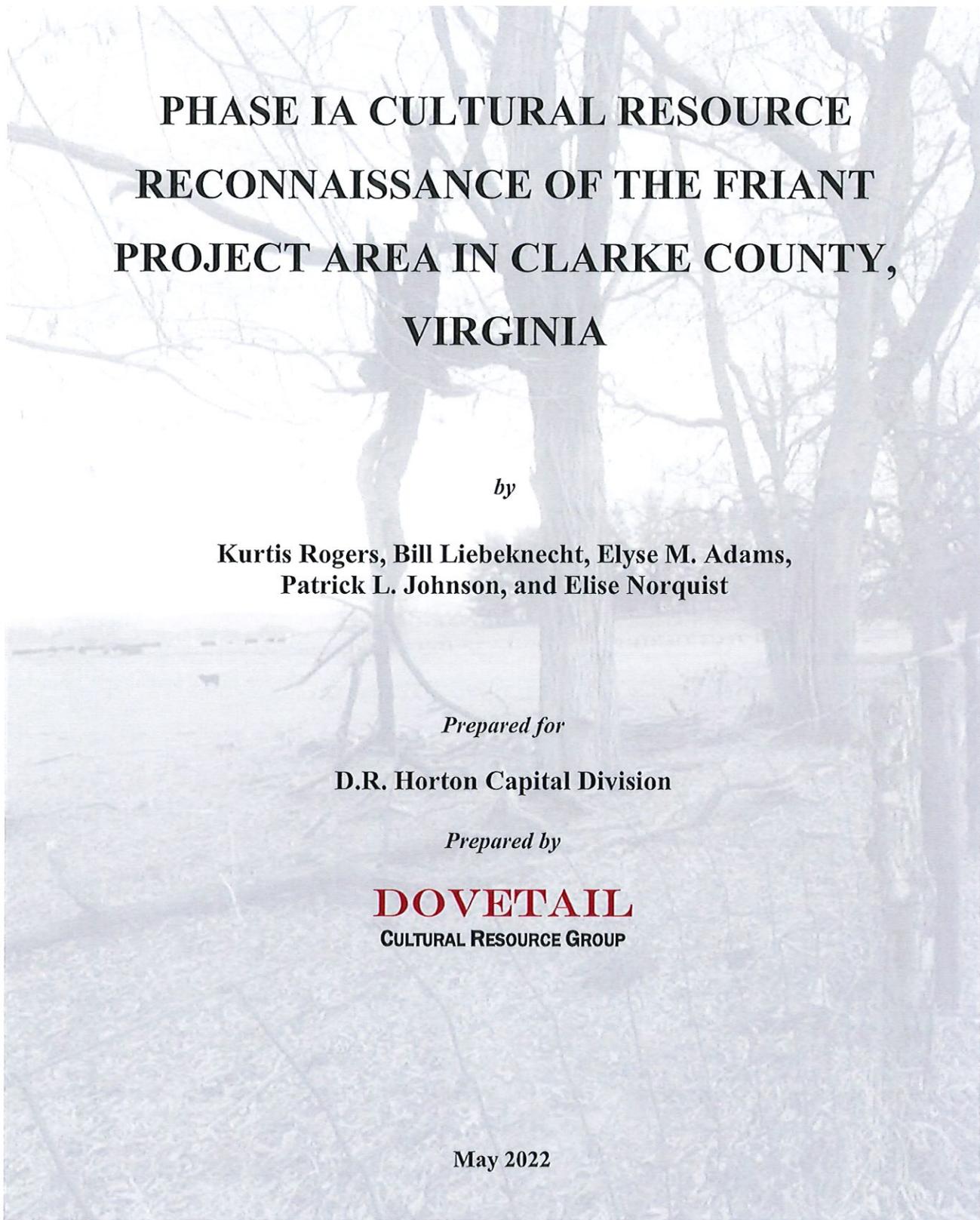
Total Future (2026) PM Peak Hour Traffic Forecasts
(66 Dwelling Units)

Study Intersection



NORTH
Friant Property
Town of Berryville/Clarke County, Virginia





**PHASE IA CULTURAL RESOURCE
RECONNAISSANCE OF THE FRIANT
PROJECT AREA IN CLARKE COUNTY,
VIRGINIA**

by

**Kurtis Rogers, Bill Liebeknecht, Elyse M. Adams,
Patrick L. Johnson, and Elise Norquist**

Prepared for

D.R. Horton Capital Division

Prepared by

DOVETAIL
CULTURAL RESOURCE GROUP

May 2022

SUMMARY AND RECOMMENDATIONS

Dovetail conducted a Phase IA cultural resource reconnaissance of the Friant Clark project area for D.R. Horton Capital Division. The approximately 98.1-acre (39.7-ha) project area is located in central Clarke County, Virginia. The Phase IA study was intended to determine the location, nature, and, if possible, extent of any cultural features visible on the surface and to identify areas with the potential to contain archaeological sites. In addition, areas which do not warrant archaeological investigations due to inundation or other disturbance were noted. The results of the field study were used to make recommendations regarding whether a Phase IB cultural resource investigation is warranted prior to the proposed development of the parcel, and how much of the parcel should be subjected to such an investigation.

The Phase IA archaeological reconnaissance study included a pedestrian survey of the project area. The work resulted in the definition of locations suitable for subsurface archaeological investigations within the project area based on the probability of encountering intact archaeological resources. Although some small areas may be inundated, exhibit exposed boulders, or are disturbed in such a way as to preclude the placement of individual STPs, the project area in general shows little disturbance. The presence of agriculturally productive soils and level or gently sloping topography in the vicinity of Buck Marsh Run make the area relatively well suited to contain archaeological sites from both the precontact and historic periods. Thus, based on the background research and pedestrian survey, Dovetail recommends that the entire 98.1-acres (39.7-ha) of the project area appears to have the potential to contain intact archaeological remains (see Figure 2, p. 3). Based on the amount of apparently undisturbed area, Dovetail recommends that a **Phase IB archaeological survey of the 98.1-acre (39.7-ha) project area is warranted.**

The reconnaissance architectural survey included an inspection of the architectural project area, which comprises the proposed development project area plus a 300-foot (91.4m) buffer. In total, the 37 above-ground resources noted during the architectural survey are either previously recorded or previously unrecorded and are 50 years in age or older. Of these, Bel Voi (021-142) is partially within the project footprint. It is a circa-1825, single-family dwelling constructed in a vernacular style. Secondary resources recorded during a 1992 survey included a slave quarter and smoke house (neither of which is in the project footprint) plus a barn and a cornerib (both within the boundaries of the project area). This dwelling and its associated outbuildings were determined not eligible for the NRHP by DHR staff in 1992. Since this property has not been resurveyed within the last five years, **it is recommended that it be resurveyed at the Phase IB level.** The Norfolk and Western Railroad Corridor (021-5007), abuts the northeast boundary of the project area. The resource was determined not eligible and surveyed within the last five years; as such, **Dovetail recommends that it not be resurveyed.** The remaining previously recorded resource is The Long Marsh Run Rural Historic District (021-0967), located east of Harry Byrd Highway. It was listed in the NRHP in 2013. Because this resource has not been resurveyed within the last five years **Dovetail recommends a resurvey at the Phase IB level.**

Thirty-four newly identified resources that meet the survey criteria include 29 single-family dwellings and five industrial buildings. **Dovetail recommends that all newly identified**

resources within the architectural project area should be the subject of a Phase IB reconnaissance-level survey.

PROFFER STATEMENT

REZONING: RZ# _____
Detached Residential – 1 (DR 1), Detached Residential – 2 (DS 2),
Business Park (BP) and Open Space Residential (OSR) to ___ acres
Detached Residential – 4 (DR 4) and _____ acres Open Space
Residential (OSR)

PROPERTY: 100.041 Acres +/-;
Tax Map Parcels 14-A-80 and 14-A-112 (the “Properties”)

RECORD OWNERS: Friant Enterprises #1, LLC, Friant Enterprises #2, LLC, and Friant
Enterprises #3, LLC (collectively, the “Owners”)

APPLICANT: D.R. Horton, Inc. (the “Applicant”)

ORIGINAL DATE
OF PROFFERS: _____, 2023

REVISION DATE(S): _____

The undersigned Owners hereby proffer that the use and development of the above-referenced parcels, which are requested to be rezoned, shall be in strict conformance with the following conditions, which shall supersede all other proffers on the Properties that may have been made prior hereto. In the event that the above-referenced conditional rezoning is not granted as applied for by the Owners, these proffers shall be deemed withdrawn and shall be null and void. Further, these proffers are contingent upon final rezoning of the Properties with “final rezoning” defined as that rezoning which is in effect on the day following the last day upon which the Town Council of the Town of Berryville, Virginia (the “Town”) decision granting the rezoning may be contested in the appropriate court. If the Town’s decision is contested, and the Owners elect not to submit development plans until such contest is resolved, the term rezoning shall include the day following entry of a final court order affirming the decision of the Town which has not been appealed, or, if appealed, the day following which the decision has been affirmed on appeal.

The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers. The improvements proffered herein shall be provided at the time of development of that portion of the Properties adjacent to or including the improvement or other proffered requirement, unless otherwise specified herein. Any proffered conditions that would prevent the Owners from conforming with State and/or Federal regulations shall be considered null and void. The term “Owners” as referenced herein shall include within its meaning all future owners and successors in interest. When used in these Proffers, “GDP” shall refer to the plan entitled “Friant Property – 214 Lots” dated April 11, 2023, and shall include the following:

1. LAND USE:

- 1.1 Residential development of the Properties shall be limited to a maximum of 214 single-family detached dwelling units in accordance with the requirements of the Town's Zoning Ordinance and Subdivision Ordinance.
- 1.2 The minimum amount of open space to be provided for the Properties, in their entirety, is twenty percent (20%) of the entire parcels subject to the rezoning which is generally 20.0082 acres as shown on the GDP.
- 1.3 The Properties shall be developed in general conformance with the GDP subject to minor modifications upon the time of final engineering.

2. SITE DEVELOPMENT:

- 2.1 Prior to the issuance of the 132nd occupancy permit, the Applicant shall install landscaping and screening to protect the viewshed of Bel Voi Manor located on the adjoining property identified as Clarke County Tax Map No. 14-A-81 in general conformance with the GDP.
- 2.2 Prior to the issuance of the 100th occupancy permit, the Applicant shall deliver a tot lot and workout stations which shall be installed on the Properties in general conformance with the GDP.
- 2.3 Prior to the issuance of the 100th occupancy permit, the Applicant shall deliver a public trail system which shall be installed on the Properties in general conformance with the GDP.
- 2.4 Prior to the issuance of the 132nd occupancy permit, the Applicant shall dedicate a portion of the open space in the subdivision as a scenic easement to an appropriate conservation authority or agency. The location of the scenic easement shall be in general conformance with GDP.

3. CREATION OF HOMEOWNERS' ASSOCIATION:

- 3.1 The Properties shall be made subject to a homeowners' association ("HOA") that shall be responsible for the ownership, maintenance and repair of all common areas, including any conservation areas that may be established in accordance herewith not dedicated to the Town or others, for each area subject to their jurisdiction, and shall be provided such other responsibilities, duties and powers as are customary for such associations or as may be required for such HOA herein. The HOA shall be created not later than the date upon which the first building permit is issued.
- 3.2 In addition to such other duties and responsibilities as may be assigned, the HOA shall have title to and responsibility for (i) all common open areas not otherwise dedicated to public use, (ii) common buffer areas located outside of residential lots, and (iii) ownership and maintenance of stormwater management facilities. The HOA shall be responsible for all areas on the GDP that are not otherwise dedicated for public use.

4. SCHOOL/FIRE & SAFETY/POLICE/PROMOTION OF WALKABILITY:

4.1 The Applicant shall contribute to the Town the sum of One Thousand and 00/100 Dollars (\$1,000.00) per dwelling unit at the issuance of each certificate of occupancy for said dwelling unit to be used by the Town in its discretion to address public school, fire and rescue/first responder, and police impacts and needs and/or to promote and help pay for additional pedestrian walkways throughout the Town.

5. WATER & SEWER:

5.1 The Applicant shall be responsible for connecting the Properties to public water and sewer and for constructing all facilities required for such connection. All water and sewer infrastructure shall be constructed in accordance with the requirements of the Town.

5.2 The Applicant shall dedicate to the Town any and all water and sewer lines as well as any sewage pump stations constructed on the Properties, subject to the Town engineer's approval along with any necessary easements to permit access to and maintenance of said water lines, sewer lines, sewage pump stations, and any other associated public water and sewer improvements.

5.3 All provisions of Section 5 of the Proffers are also subject to the Town's existing water and sewer ordinances.

6. STORMWATER MANAGEMENT:

6.1 Stormwater management and Best Management Practices (BMP) for the Properties shall be provided in accordance with Virginia Stormwater Management Regulations and in substantial conformance with the GDP.

7. TRANSPORTATION:

7.1 Design of the roadway system shall be substantially consistent with the final approved GDP. The exact location and design of proffered improvements shall be subject to reasonable adjustment upon final engineering thereof, as approved by the Town Engineer.

7.2 Prior to the issuance of the first building permit, the Applicant shall install a temporary construction road and construction entrance from East Main Street through the adjoining property identified as Clarke County Tax Map No. 14-A-110 and across the property identified as Clarke County Tax Map No. 14-A-81 as needed and permitted to the Properties. Prior to the issuance of the 132nd building permit, the Applicant shall convert the temporary construction road and construction entrance into a permanent road providing a road connection from East Main Street through the adjoining property identified as Clarke County Tax Map No. 14-A-110 to the Properties in substantial conformance with the GDP.

- 7.3 Prior to the issuance of the 132nd building permit, the Applicant shall also construct an extension of Battletown Drive through the adjoining property identified as Clarke County Tax Map No. 14-A-110 to the connect the existing residential development to the road connection to East Main Street in substantial conformance with the GDP.
- 7.4 The Applicant shall construct a road connection between the eastern section of the subdivision and the western section of the subdivision through and across the adjoining property identified as Clarke County, Virginia Tax Map No. 14-A-81 once the right-of-way for the road connection has been obtained from the adjoining property owner. If the right-of-way is not obtained once construction of residential units in the subdivision commences, the Applicant proffers to pay Three Hundred Thousand and 00/100 Dollars (\$300,000.00) to the Town to allow the Town to construct the road connection at such time as the right-of-way is obtained.
- 7.5 All public streets and roads shall be designed and constructed in accordance with the Virginia Department of Transportation subdivision street requirements and subject to review and approval by the Town.
- 7.6 All sidewalks shall be constructed in accordance with the Town's Zoning Ordinance and Subdivision Ordinance in the general locations as shown on the GDP to accommodate pedestrian movement.

8. ESCALATOR CLAUSE:

- 8.1 In the event the monetary contributions set forth in these Proffers are paid to the Town within eighteen (18) months of the approval of this rezoning, as applied for by the Owner, said contributions shall be in the amounts as stated herein. Any monetary contributions set forth in these Proffers which are paid to the Town after eighteen (18) months following the approval of this rezoning shall be adjusted in accordance with the Urban Consumer Price Index ("CPI-U") published by the United States Department of Labor, such that at the time the contributions are paid, they shall be adjusted by the percentage change in the CPI-U from that date eighteen (18) months after the approval of this rezoning to the most recently available CPI-U to the date the contributions are paid, subject to a cap of six percent (6%) per year, non-compounded.

9. EXCLUSION OF PUBLIC PROPERTY FROM PROFFERS:

- 9.1 Any portion of the Properties may hereafter be dedicated for public street purposes (or otherwise conveyed to a public entity) shall, upon such dedication, be excluded from the terms and conditions of these Proffers and the remainder of the Properties shall continue to be subject to the full force and effect of these Proffers.

10. SEVERABILITY:

10.1 In the event any portion of these Proffers are subsequently determined to be illegal or unenforceable, the remaining Proffers shall continue in full force and effect.

11. BINDING EFFECT:

11.1 These Proffers run with the land and shall be binding upon all heirs, executors, administrators, assigns and successors in interest of the Owners.

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Respectfully submitted,

FRIANT ENTERPRISES #1, LLC

By:
Its:

STATE/Commonwealth of _____, AT LARGE
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____,
2023, by _____, _____ of FRIANT ENTERPRISES #1,
LLC.

NOTARY PUBLIC

My commission expires: _____
Registration number: _____

FRIANT ENTERPRISES #2, LLC

By:
Its:

STATE/Commonwealth of _____, AT LARGE
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____,
2023, by _____, _____ of FRIANT ENTERPRISES #2,
LLC.

NOTARY PUBLIC

My commission expires: _____
Registration number: _____

FRIANT ENTERPRISES #3, LLC

By:
Its:

STATE/Commonwealth of _____, AT LARGE
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____,
2023, by _____, _____ of FRIANT ENTERPRISES #3,
LLC.

NOTARY PUBLIC

My commission expires: _____
Registration number: _____

D.R. HORTON, INC.

By:
Its:

STATE/Commonwealth of _____, AT LARGE
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____,
2023, by _____, _____ of D.R. HORTON, INC.

NOTARY PUBLIC

My commission expires: _____
Registration number: _____