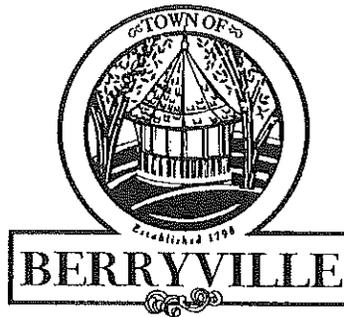


**Town of Berryville**  
Berryville-Clarke County  
Government Center  
101 Chalmers Court Suite A  
Berryville, VA 22611



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**BERRYVILLE PLANNING COMMISSION**  
**Berryville/Clarke County Government Center – 101 Chalmers Court**  
**Main Meeting Room**  
**February 27, 2018 - 7:30 PM**

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**Regular Meeting**

**AGENDA**

1. **Call to Order – Doug Shaffer, Chair**
2. **Approval of Agenda**
3. **Approval of Minutes – January 23, 2018**
4. **Approval of Comprehensive Plan Committee Minutes – February 5, 2018**

**REGULAR SESSION**

5. **Citizens' Forum**

**NEW BUSINESS**

6. **Set Public Hearing – Site Plan – Attachment A**
7. **Set Public Hearing – Expansion of Special Use Permit – Attachment B**

**OLD BUSINESS**

8. **Planning and Zoning Update – Attachment C**
9. **Other**
10. **Adjourn**

**Patricia Dickinson**  
*Mayor*

**Harry Lee Arnold, Jr.**  
*Recorder*

**Donna Marie McDonald**  
*Ward 1*

*Council Members*  
**Allen Kitzelman, III**  
*Ward 2*

**Erecka L. Gibson**  
*Ward 3*

**David L. Tollett**  
*Ward 4*

**Keith R. Dalton**  
*Town Manager*

**PLANNING COMMISSION**  
**Berryville-Clarke County Government Center**  
**MINUTES OF REGULAR MEETING**  
**January 23, 2018 DRAFT**

---

A meeting of the Berryville Planning Commission was held on Tuesday, January 23, 2018 at 7:30 p.m. in the Berryville – Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

**ATTENDANCE:** Members of the Planning Commission present: Doug Shaffer, Chair, Kim Kemp, Vice Chair, Dale Barton, Gwen Malone, Michelle Marino, Sheryl Reid, Debbie Zimmerman

Absent: Krish Mathur

Staff present: Christy Dunkle, Assistant Town Manager/Planner

Others present: Dave Tollett (Planning Commission liaison), Diane Harrison

Press present: Cathy Kuehner

**CALL TO ORDER**

Ms. Dunkle called the meeting to order at 7:30pm.

**ELECTION OF OFFICERS**

Ms. Dunkle asked for a motion to elect chair and vice chair. Ms. Reid made the motion to retain Mr. Shaffer as chair and Ms. Kemp as vice chair, seconded by Ms. Malone, the motion passed by voice vote.

**APPROVAL OF AGENDA**

Chair Shaffer asked for approval of the agenda. Ms. Zimmerman moved to approve the agenda as presented, seconded by Vice Chair Kemp, the agenda was approved by voice vote.

**APPROVAL OF MINUTES**

Ms. Malone moved to approve the amended minutes of the November 28, 2017 Planning Commission meeting, seconded by Ms. Marino. The motion passed by voice vote.

**APPROVAL OF COMPREHENSIVE PLAN COMMITTEE MINUTES**

Committee Chair Steinmetz asked for a motion to approve the minutes of the November 6, 2017 meeting. Ms. Malone made the motion, seconded by Chair Steinmetz, the motion passed by voice vote.

## PUBLIC HEARINGS

**The Berryville Planning Commission is sponsoring a text amendment relating to “craft beverage manufacturing” establishing a definition in Article I Definitions of the Berryville Zoning Ordinance in accordance with the Code of Virginia § 4.1-206 and 208, as amended, establishing production amounts; accessory uses (e.g., food service, tasting rooms, retail sales); parking ratios; and storage requirements. TA 01-18**

Chair Shaffer asked staff to describe the request. Ms. Dunkle said that an overview was featured from the previous meeting and that modifications were made reflecting previous comments from Planning Commissioners. She said the first public hearing was for the definition of “craft beverage manufacturing” and reported public hearing information. She added that she had received positive input from those that were sent the information including several realtors. She said she received no other public comment.

Chair Shaffer recognized Diane Harrison, a resident of Berryville, who spoke in favor of the proposed text amendments. She said the changes would benefit economic development efforts for both the Town and County and would create more of an art and shopping destination for visitors and residents as a result.

Chair Shaffer asked for any additional public comment. There were no other comments and Chair Shaffer closed the public hearing.

**The Berryville Planning Commission is sponsoring a text amendment to Section 607 of the Berryville Zoning Ordinance, establishing Section 607.3(w) allowing “craft beverage manufacturing” as a use by Special Permit in the C-1 Commercial Zoning District. TA 02-18**

Ms. Dunkle said that the public hearing notices had been duly published in the Winchester Star and that no comments were received in the Planning Department. There being no further comment, Chair Shaffer closed the public hearing.

**The Berryville Planning Commission is sponsoring a text amendment to Section 609 of the Berryville Zoning Ordinance, establishing Section 609.2(t) allowing “craft beverage manufacturing” as a use by right in the L-1 Industrial Zoning District. TA 03-18**

Ms. Dunkle said that the public hearing notices had been duly published in the Winchester Star and that no comments were received in the Planning Department. There being no further comment, Chair Shaffer closed the public hearing.

## REGULAR SESSION

### Citizen’s Forum

Chair Shaffer said no one signed up to speak and asked if anyone would like to. There were no speakers.

### Discussion of Public Hearings

Chair Shaffer asked for any comments on the previous public hearings. Vice Chair Kemp said that this was a good effort for the community. Chair Shaffer agreed stating that these types of businesses will be good for the Town and County.

There being no further discussion, staff read the following resolution:

**A RESOLUTION: Amendments to Article I, Definitions and Article VI, Sections 607 and 609 of the Berryville Zoning Ordinance establishing a definition for “craft beverage manufacturing” as a use by Special Permit and in the C-1 Commercial and a use by right in the L-1 Industrial zoning district.**

**WHEREAS, the craft beverage industry has shown significant growth nationally and locally; and**

**WHEREAS, the craft beverage industry has been identified as an important component to the tourism industry in the Commonwealth; and**

**WHEREAS, increased interest in this type of business in Berryville has occurred in the past year; and**

**WHEREAS, Berryville residents and visitors would benefit from this use through an increased tax base and visitor attraction; and**

**WHEREAS, the Planning Commission of the Town of Berryville supports the craft beverage manufacturing use in the C-1 Commercial zoning district as a use by Special Permit and in the L-1 Industrial zoning district as a use by right; and**

**NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the Town of Berryville, Virginia hereby initiates text amendments to establish a definition for “craft beverage manufacturing” and allowing this use in the C-1 Commercial and L-1 Industrial zoning districts.**

**Passed this 23rd day of January 2018.**

Vice Chair Kemp made the motion that the Planning Commission of the Town of Berryville adopt the resolution initiating text amendments relating to craft beverage manufacturing and to recommend adoption of the definition to be established in Article I of the Berryville Zoning Ordinance as follows:

***Craft beverage manufacturing:*** *A facility, licensed in accordance with §4.1 of the Code of Virginia, as amended, in which beer, wine, cider, mead, distilled spirits, or other similar beverages are brewed, fermented, or distilled in quantities not to exceed 10,000 barrels of beer, or 10,000 gallons of distilled spirits, wine, cider, or mead annually. Accessory uses shall include tasting rooms at which the consumption of beer or distilled spirits manufactured on-site occurs, accessory food sales occur, and beer and/or distilled spirits manufactured on-site are sold. Tasting rooms shall not exceed 49% of the gross floor area. Retail sales permitted as an accessory use in the L-1 Industrial Zoning District shall be limited to 10% of the gross floor area of the establishment. Parking shall be provided in accordance with the requirements for manufacturing as set forth in Section 305.19 and 305.17 of the Berryville Zoning Ordinance*

*based on square footage of manufacturing and eating establishment use, respectively. Storage of materials used in the production process shall only be permitted within a completely enclosed structure. All other outdoor storage shall be identified on an approved Site Plan and be completely screened from public view.*

The motion was seconded by Ms. Malone. The motion passed by voice vote.

There being no further discussion on the public hearing concerning text amendments to the C-1 Commercial Zoning District, Ms. Malone moved that the Planning Commission of the Town of Berryville recommend that Town Council adopt the text amendment establishing Section 607.3(w) in the Berryville Zoning Ordinance allowing craft beverage manufacturing as a use by Special Permit in the C-1 Commercial Zoning District, Mr. Steinmetz seconded the motion. The motion passed by voice vote.

There being no further discussion on the public hearing concerning text amendments to the L-1 Industrial Zoning District, Ms. Marino moved that the Planning Commission of the Town of Berryville recommend that Town Council adopt the text amendment establishing Section 609.2(t) in the Berryville Zoning Ordinance allowing craft beverage manufacturing as a use by right in the L-1 Industrial Zoning District, seconded by Ms. Zimmerman, the motion passed by voice vote.

#### **OLD BUSINESS**

#### **PLANNING AND ZONING UPDATE**

Ms. Dunkle reviewed the staff report. Ms. Malone noted that the Hawthorne House building had been sold.

#### **OTHER**

There were no other comments.

#### **Adjourn**

There being no further business, Ms. Zimmerman made a motion to adjourn the meeting, seconded by Ms. Malone, the motion passed by voice vote at 7:49pm.

---

Doug Shaffer, Chair

---

Christy Dunkle, Recording Secretary

**PLANNING COMMISSION**  
**Comprehensive Plan Committee**  
**MINUTES**  
**Berryville-Clarke County Government Center – AB Meeting Room**  
**February 5, 2018**

---

A meeting of the Berryville Planning Commission Comprehensive Plan Committee was held on Monday, February 5, 2018 at 10:30 a.m. in the Berryville – Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

**ATTENDANCE:** Members of the Committee present: William Steinmetz, Chair, Gwen Malone, Debbie Zimmerman

Staff present: Christy Dunkle, Assistant Town Manager/Planner

Others: None

Chair Steinmetz called the meeting to order at 10:30a.m.

**DISCUSSION – Chapter 10 Goals and Objectives**

Ms. Dunkle said that she has included all of the updated chapters except for Chapter 7 Transportation. She added that additional modifications are needed prior to Committee review and comment. Chair Steinmetz asked Committee Members to review any comments, changes, or input on the draft chapters included in the packet.

**Other**

Ms. Dunkle said that she will be presenting information about the development of a hotel to the Clarke County Industrial Development Authority in April and asked for any input in support of this type of development. A number of existing businesses, events, and school-related activities were discussed as well as the tourism effort identified as an economic development tool for the Town and County.

**Adjourn**

There being no further business, Ms. Malone made a motion to adjourn the meeting, seconded by Ms. Zimmerman, the motion passed by voice vote at 12:20p.m.

---

William Steinmetz, Chair

---

Christy Dunkle, Recording Secretary

---

**Genda Land Holding, LLC (John Lewis, Painter Lewis, PLC, Agent) is requesting Site Plan Approval for an event venue located at Rosemont Manor, identified as Tax Map Parcel number 14-A-10 zoned Open Space Residential (OSR) and DR-2 Detached Residential 2, in the Town of Berryville.**

Mr. Genda is proposing an event venue consisting of two structures located on the southwest corner of the Rosemont Manor property. Mr. Genda was previously approved for a rezoning (2017) to accommodate additional Open Space Residential (OSR) zoning which allows the “country inn” use. In order to add to this use, an enlargement of the use of a previously-approved Special Use Permit (SUP) must be approved by Town Council (please see following report). This Site Plan will be under consideration with the SUP request.

Currently the site includes the manor house which offers accommodation, office, and kitchen facilities; the carriage house which is an event venue; a building that features a dressing room and a meeting area; and several cottages that are offered as accommodation.

As previously referenced, two buildings are propose with this request. The barn is 5,200 square feet with a patio (under roof) toward the west. The entrance is on the east side of the building. The height of the building at the peak is 33’-7<sup>1</sup>/<sub>4</sub>” which conforms to Section 601.6(a) of the Berryville Zoning Ordinance.

Building elevation drawings have been submitted for the barn but not the second building. Staff has requested elevations from the owner. Staff has also requested additional information concerning parking (e.g., layout, square footage, and distances to specific venues); a landscape plan including lighting; and additional land disturbance information concerning utility installation.

#### **Zoning Information**

Zoning applied to adjacent property includes:

- AOC (County) to the west and south (Westwood Farm; Jones and Stutzman)
- R-1 Residential to the east (Tyson Drive and Isaac Court)
- DR-4 Detached Residential to the north (Clarke County High School and Battlefield Estates subdivision)

Staff has distributed the Site Plan to the following departments and agencies for review and comment:

- Berryville Public Works

- Pennoni Engineering (Town's consulting engineer)
- Clarke County Building Department
- Clarke County Emergency Services
- VDOT (the access to and from the property are located on Business 7, West Main Street, which VDOT maintains)

The following items are included with this staff report:

- Land Development Application;
- Vicinity Map;
- Site Development Plan;
- Building elevations; and
- Section 601 Open Space Residential from the Berryville Zoning Ordinance.

**Recommendation**

Set a public hearing for the March 27, 2018 Planning Commission meeting.

LAND DEVELOPMENT APPLICATION TOWN OF BERRYVILLE

(Please print or type)

Current Property Owner GEMDA LAND HOLDING LLC

Owner's Address 10 ROSEMONT MANOR LANE BERRYVILLE VA 22611

Phone 540-514-5010

Agent (Contact Person) JOHN LEWIS

Agent's Address 217 CEDAR CREEK GRADIS #120 WINCHESTER VA 22601

Phone 540-662-5772

**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: \_\_\_\_\_

RECEIVED  
FEB 03  
Town of Berryville, VA

**Complete As Applicable:**

Nature of Request/Proposal: ROSEMONT MANOR EVENT VENUE

Tax Map & Parcel Number(s): 14A-10

Size of Project Site: .72 ACRES 2 WPG

Proposed # of Lots: \_\_\_\_\_ Existing Zoning DR-X, OSR

FEB 5 400 PM 2.5.18

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

Signature: [Signature] Date: 1-22-18

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

Signature: [Signature] Date: Feb 5, 2018

**OFFICE USE ONLY**

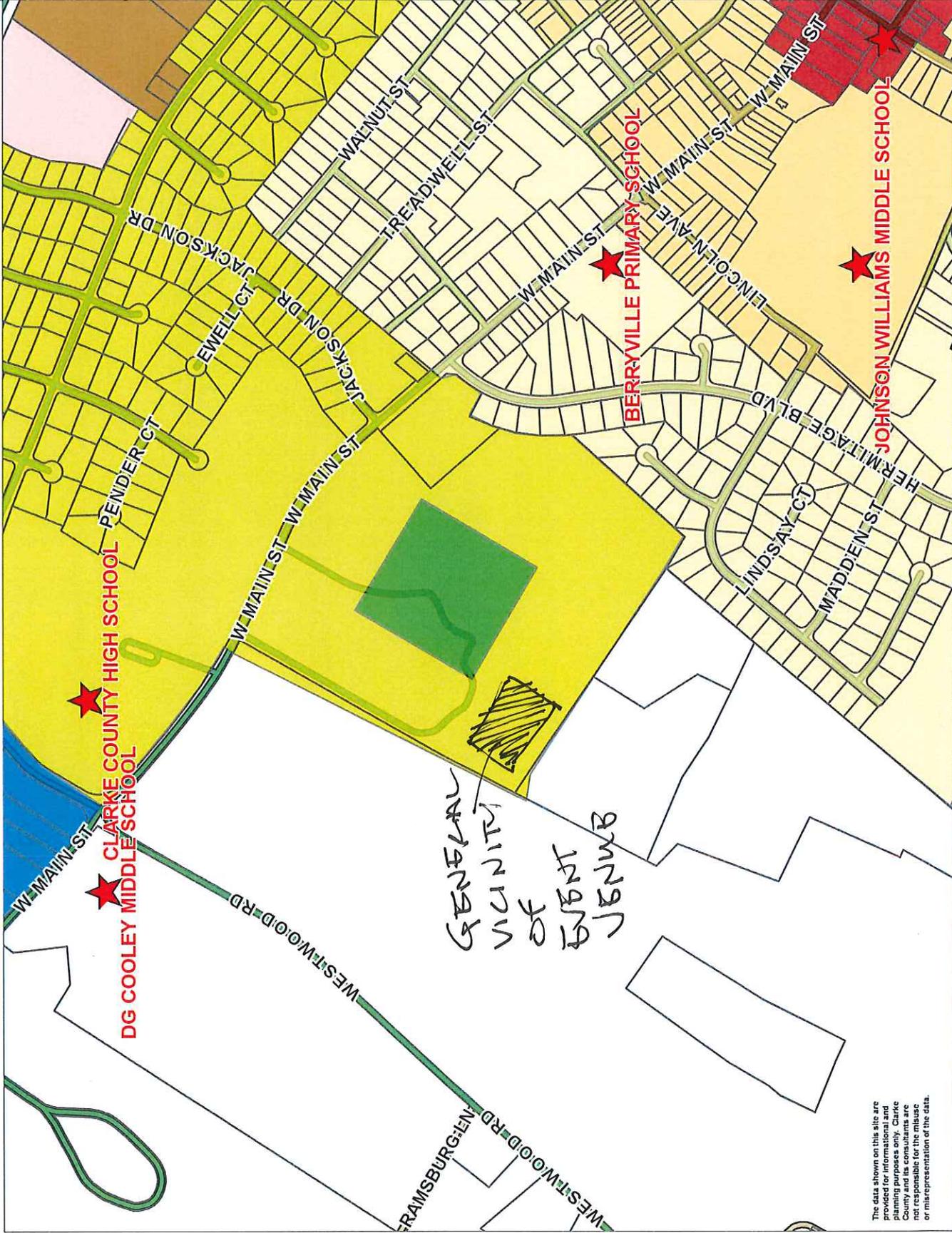
Public Hearing Required? \_\_\_\_\_ Dates Advertised \_\_\_\_\_

Adjoining Property Owners Notified? \_\_\_\_\_

Action Taken: \_\_\_\_\_



- Public
- Points of Interest
- Parcels
- Berryville Zoning
  - Detached Res-1 (DR-1)
  - Detached Res-2 (DR-2)
  - Detached Res-3 (DR-3)
  - 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 (BP)
  - Bus Commercial (BC)
  - Light Commercial (C-1)
  - Downtown Commercial (C)
  - Light Industrial (L-1)
  - Institutional (I/L)
- Clarke County Boundary
- Main Roads
  - Interstate
  - US Highway
  - State Highway
  - Surrounding Counties Opaque
- Clarke County Roads
  - Private Roads
  - Rail
  - Buildings
  - Appalachian Trail
- Streams
  - Perennial Streams
  - Intermittent Streams
- Ponds
- Rivers



The data shown on this site are provided for informational and planning purposes only. Clarke County is not responsible for the misuse or misrepresentation of the data.

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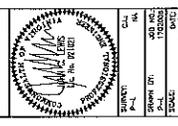
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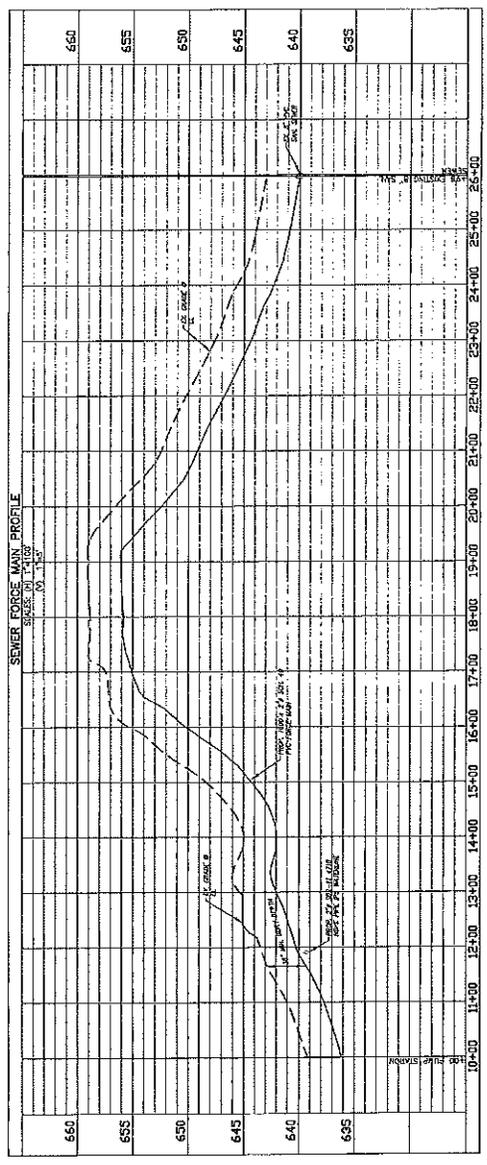


**PAINTER-LEWIS, P.L.C.**  
1017 Park Center Plaza  
Richmond, Virginia 23261  
Tel: (804) 682-5124  
Fax: (804) 682-5122  
Email: info@painter-lewis.com

**ROSEMONT MANOR  
SITE DEVELOPMENT PLAN  
TOWN OF BERRYVILLE  
CLARKE COUNTY, VIRGINIA**

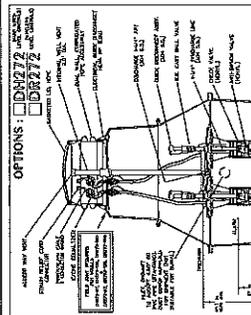
**UTILITY PLAN**

NO.	DATE	DESCRIPTION	BY

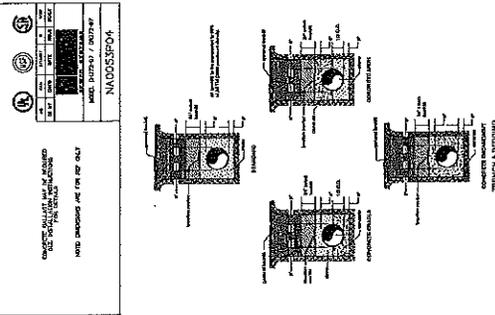
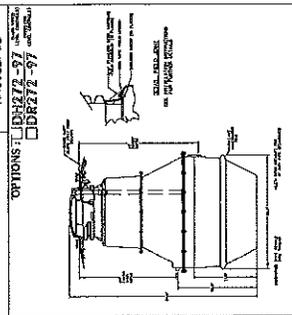


**GENERAL NOTES:**

- The proposed pump station is intended to serve as a lift station, day treatment and disposal system. The station is based on a maximum of 1.0 mgd process using 3 gallons of chlorine at events to be held at Rosemont which will be held at Rosemont which will be held at Rosemont.
- The contractor shall be responsible for determining the exact location of all utilities before commencing work. The contractor shall be responsible for determining the exact location of all utilities before commencing work.
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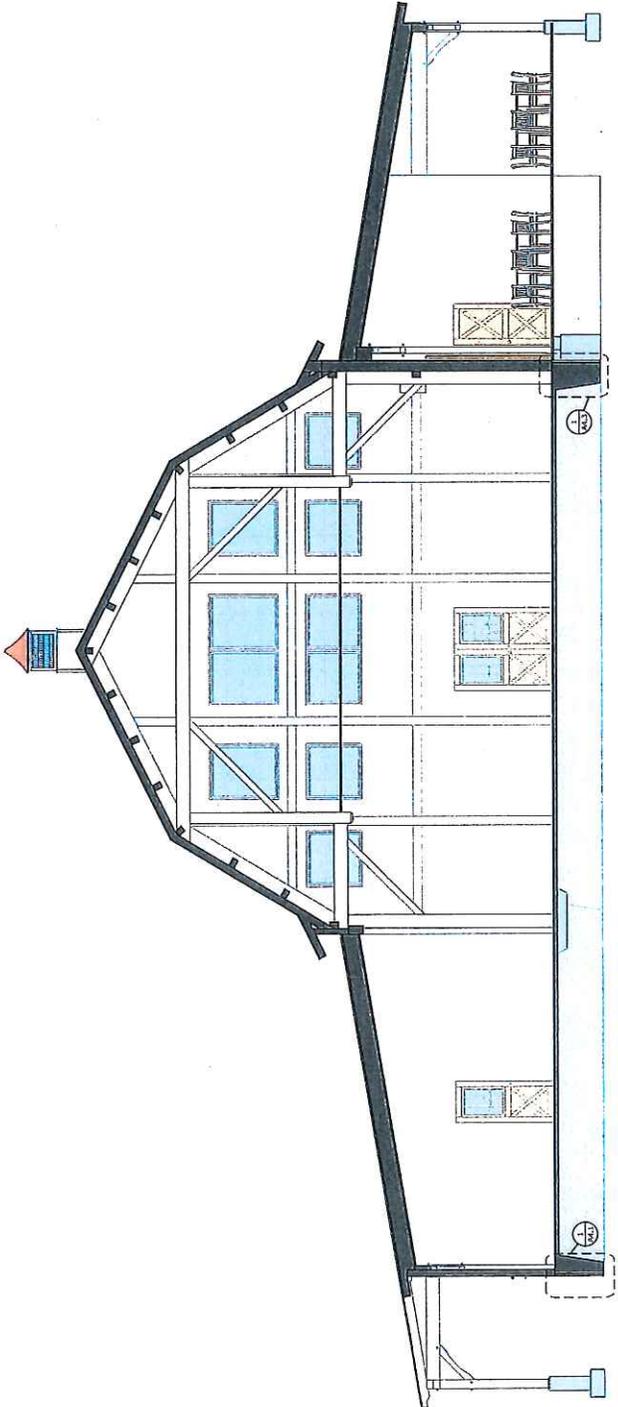
NO.	DATE	DESCRIPTION	BY



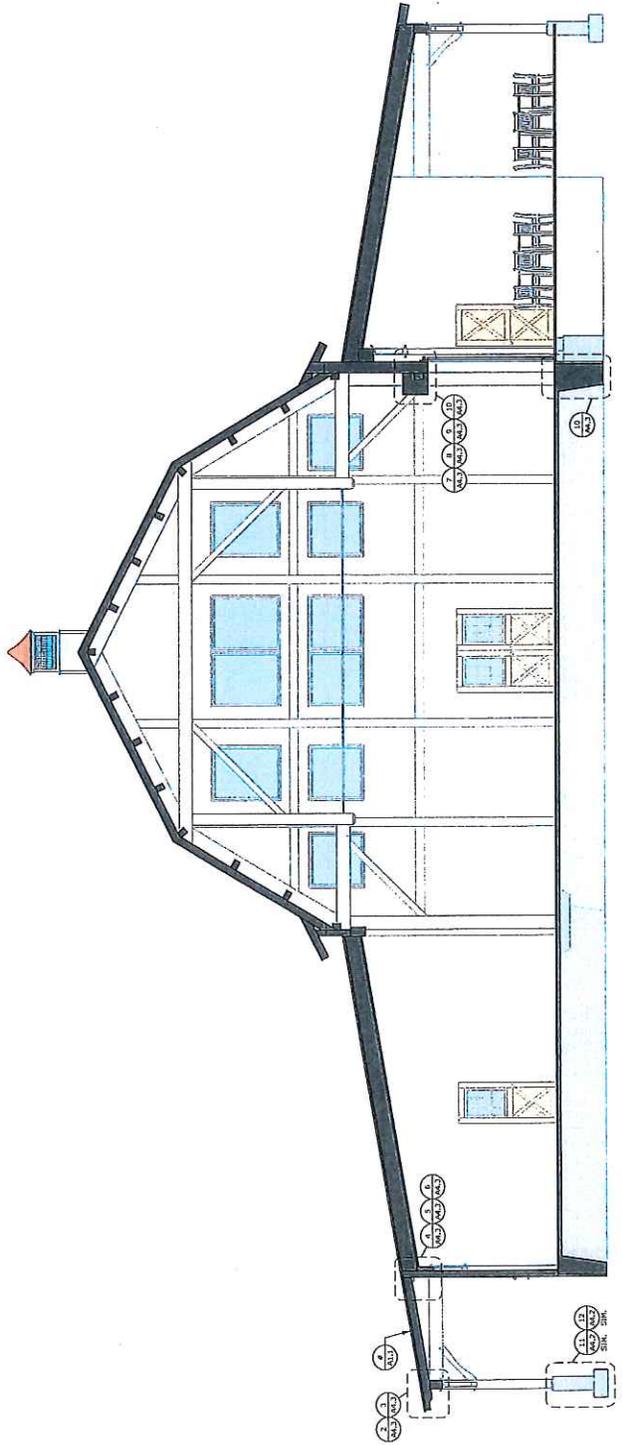




ISSUE	PROJECT	FOR REVIEW	EVENT BARN
	PROJECT NO.	17030	
	DRAWN BY	P.S.C.	
<p><b>HISTORIC ROSEMONT MAONR</b>          16 ROSEMONT MANOR LN.          BERRYVILLE, VA 22611</p>			
<p><b>QVC</b>          QUARRY VIEW CONSTRUCTION, LLC  <i>Building on Frontiers Kaps!</i>          695 HARTMAN STATION RD.          LANCASTER, PA 17601          (717) 283-4870</p>			
<p><b>ENGEL ARCHITECTS</b>          1854 LINCOLN HIGHWAY EAST          LANCASTER, PA 17602          (717) 392-8021          PROJECT # _____          REVO. BY _____</p>			



ISSUE	PROJECT	EVENT BARN	REVIEW	
	PROJECT NO.	17030		
	DRAWN BY	P.S.C.		
<b>HISTORIC ROSEMONT MAONR</b> 16 ROSEMONT MANOR LN. BERRYVILLE, VA 22611				
 QUARRY VIEW CONSTRUCTION, LLC <i>Building on Frontiers Kapi</i> 695 HARTMAN STATION RD. LANCASTER, PA 17601 (717) 283-4870				
PROJECT # _____ REVD. BY _____ 1854 LINCOLN HIGHWAY EAST LANCASTER, PA 17602 (717) 392-8021 <b>ENGEL ARCHITECTS</b>				





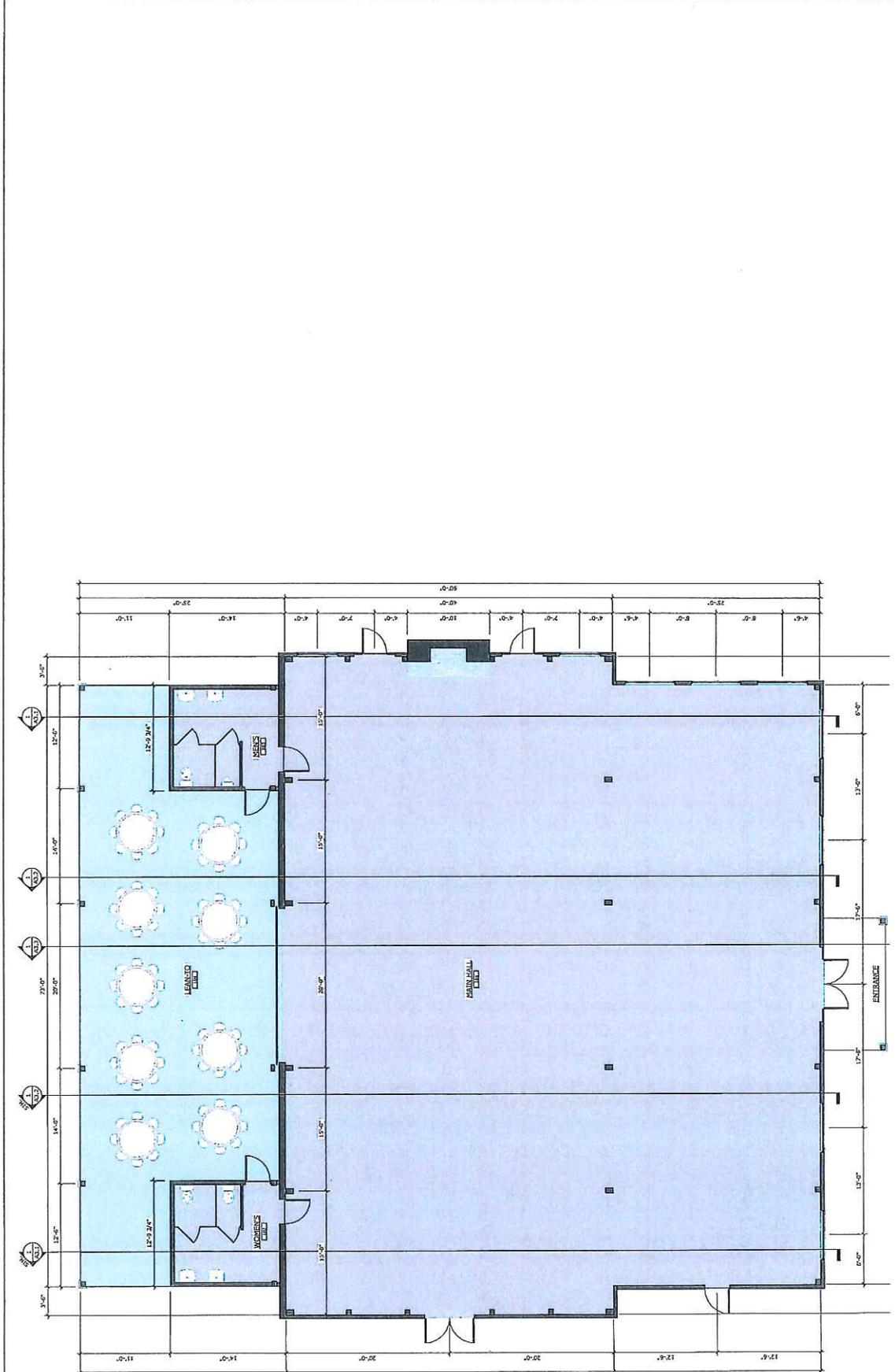
ISSUE
FOR REVIEW
EVENT BARN
PROJECT NO.
17030
DRAWN BY
P.S.C.

PROJECT NO.  
17030

HISTORIC ROSEMONT MAONR  
16 ROSEMONT MANOR LN.  
BERRYVILLE, VA 22611

**QVC**  
Building on Promises Again  
QUARRY VIEW CONSTRUCTION, LLC  
695 HARTMAN STATION RD.  
LANCASTER, PA 17601  
(717) 283 4870

ENGEL ARCHITECTS  
1894 LINCOLN HIGHWAY EAST  
LANCASTER, PA 17602  
(717) 392-8021  
PROJECT # \_\_\_\_\_  
REV'D. BY \_\_\_\_\_



## Section 601 Open Space Residential (OSR) District

### ARTICLE VI – ADDITIONAL DISTRICTS (2/90)

#### SECTION 600 - GENERAL PROVISIONS

##### 600.1 APPLICATION

The additional zoning districts described in Article VI shall apply to designated property within the Berryville Town Limits.

##### 600.2 INCONSISTENCIES BETWEEN ARTICLE VI AND THE REMAINING PARTS OF THIS ORDINANCE

All other parts of the Berryville Zoning Ordinance which are inconsistent with the provisions of Article VI shall be invalid as they relate to any districts within Article VI.

#### (4/92) SECTION 601 - OPEN SPACE RESIDENTIAL

##### 601.1 PURPOSE AND INTENT

The Open Space Residential (OSR) District is created to preserve and protect two sensitive areas in the Town of Berryville and within the precincts of the Berryville Area Plan: (1) existing residential properties and estates which have cultural and/or historical value, and (2) property with critical environmental features, including 100-year floodplains, sinkholes, slopes in excess of fifteen (15) percent, and rock outcrops. The maximum density of one residence per ten (10.0) net developable acres establishes this district as one with a low-density residential character. This district shall have the intent of preserving valued residences, promoting open space, and protecting existing vegetation and sensitive environmental areas within the district boundaries.

##### 601.2 PERMITTED USES

- (a) Single family detached dwellings.
- (b) Accessory uses to include detached carports and garages, tool sheds, children's playhouses, swimming pools, doghouses and Temporary Family Health Care Structures as established in Section 323. (11/10)
- (c) Municipal utilities.

##### 601.3 SPECIAL PERMIT USES

- (a) Commercial swimming pools, tennis courts, and golf courses.
- (b) Home occupations as defined in Section 315. (12/93)
- (c) Libraries, museums, and shrines.
- (d) Plant nurseries, with no sale of nursery products permitted on premises.
- (e) Private and public schools, parks, playgrounds, and related uses.
- (f) Public utility uses (sub-stations, pump stations, storage tanks, etc.) and related easements, except for municipal utilities.
- (g) Country inn. (6/09)

##### 601.4 MAXIMUM DENSITY

- (a) One (1.0) dwelling unit per ten (10.0) net developable acres or one-tenth (0.1) unit per net acre.
- (b) A maximum floor area ratio of 0:10 shall apply to uses other than residential.

## Section 601 Open Space Residential (OSR) District

### 601.5 LOT SIZE REQUIREMENTS

- (a) Minimum lot area: 10 acres
- (b) Minimum lot width: 300 feet
- (c) Minimum lot depth: 300 feet

### 601.6 BULK REGULATIONS

- (a) Maximum building height: 35 feet
- (b) All other structures: 35 feet
- (c) Minimum yard requirements
  - (1) Front yard: 50 feet **(7/04)**
  - (2) Side yard: 50 feet **(7/04)**
  - (3) Rear yard: 50 feet **(7/04)**

### 601.7 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 317 Karst Features for additional requirements **(7/04)**
- (e) 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)**

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**Genda Land Holding, LLC (John Lewis, Painter Lewis, PLC, Agent) is requesting an expansion of an approved Special Use Permit (SUP 02-09) for Rosemont Manor, identified as Tax Map Parcel number 14-A-10 zoned Open Space Residential (OSR), in order to expand the Country Inn use.**

In June of 2009, Mr. Genda, Owner of Rosemont Manor, requested the following actions which were approved by Town Council:

- Rezoning 01-09 which added one acre to the Open Space Residential (OSR) to the parcel;
- Text Amendment TA 03-09 which established a definition for the “country inn” use in Article I of the Berryville Zoning Ordinance;
- Text Amendment TA 02-09 which enabled country inns to be a use by Special Permit in the OSR Zoning District of the Berryville Zoning Ordinance;
- Text Amendment TA 04-09 which modified signage allowances for commercial applications with an approved Special Use Permit in the OSR Zoning District; and
- Special Use Permit SUP 02-09 which allowed the operation of the country inn use on the site with conditions.

Conditions set by Town Council for the Special Use Permit are as follows:

1. All activities associated with the approved Special Use Permit shall be contained within the OSR Zoning District;
2. No outside/event related activities may occur between 11:00pm and 8:00am;
3. The removal of any mud or debris from vehicles existing the site shall be cleaned from the public right-of-way on West Main Street per regulations established in the *Virginia Erosion and Sediment Control Handbook*;
4. The parking area designated for special events shall not be paved;
5. No access shall be provided for the country inn use from Tyson Drive;
6. Final approval of the site entrance shall be approved by VDOT [this occurred, identifying the main entrance as ingress only with the egress from the western driveway on the property]; and
7. Any screening plants on the site at the time of approval may be removed only if necessitated by plant death or disease and replacement plant material shall be installed in a timely manner.

Section 503.1(c) requires that, once the Special Use Permit is granted by Town Council, the use may not be enlarged, extended, or increased in intensity or relocated unless authorized by Council. Please note that the country inn use is permitted only within the OSR Zoning District.

## **Country Inn Use**

The following definition was approved by Town Council in 2009:

*Article I Definitions, Berryville Zoning Ordinance*

**Country Inn** - *An establishment offering for compensation to the public not more than 12 guestrooms for transitory lodging or sleeping accommodations of note more than 14 days of continuous occupancy. As accessory uses to a Country Inn, meal services and/or permanent places of public assembly may be provided. The Total maximum capacity of areas used for meal service and/or places of public assembly for special events shall be 500 people without additional permitting provided that areas to be used for this purpose, including food service and parking, are provided for on an approved site plan on the site on which the inn is located.*

The following items follow this report:

- Approval letter dated June 11, 2009 to Mr. Chip Schutte outlining approvals made and conditions set by Town Council relating to the Rosemont property;
- Site Plan identifying OSR rezoning from 2009;
- Section 503 Special Use Permit of the Berryville Zoning Ordinance;

## **Recommendation**

Set a public hearing for the March 27, 2018 Planning Commission meeting.

Town of Berryville  
Berryville-Clarke County  
Government Center  
101 Chalmers Court Suite A  
Berryville, VA 22611



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[F] 540/955-4524  
[E] info@berryvilleva.gov

www.berryvilleva.gov

June 11, 2009

Mr. Chip Schutte  
Post Office Box 324  
Millwood, Virginia 22646

Dear Chip:

The Berryville Town Council, at their June 9, 2009 meeting, voted to approve the following requests:

**The Planning Commission of the Town of Berryville will hold a rezoning public hearing regarding the Rosemont property, Tax Map Parcel 14-A-10, zoned Detached Residential-2 (DR-2) and Open Space Residential (OSR), to clarify and establish the boundaries of the ten (10) acre portion of the property zoned OSR. RZ 01-09**

**Charles (Chip) Schutte, Agent, is requesting sponsorship of a text amendment to the Town of Berryville Zoning Ordinance in Article VI, establishing Section 601.3(g) allowing "country inn" as a use by Special Permit in the Open Space Residential (OSR) Zoning District. TA 02-09**

**Charles (Chip) Schutte, Agent, is requesting sponsorship of a text amendment to the Town of Berryville Zoning Ordinance in Article I, Section 102, establishing a definition for "country inn". TA 03-09**

**Charles (Chip) Schutte, Agent, is requesting sponsorship of a text amendment to the Town of Berryville Zoning Ordinance in Article III, establishing Section 307.3(g) defining signage allowances for commercial uses under an approved Special Use Permit in the Open Space Residential (OSR) zoning district. TA 04-09**

**Charles (Chip) Schutte, Agent, is requesting approval of a Special Use Permit in order to operate a Country Inn on the Rosemont parcel located at 16 Rosemont Manor Lane, identified as Tax Map Parcel number 14-A-10 on the portion zoned Open Space Residential (OSR). SUP 02-09**

*(continued)*

Wilson Kirby  
*Mayor*

Harry Lee Arnold, Jr.  
*Recorder*

*Council Members*

Lawrence Russell, III  
*Ward 1*

H. Allen Kitchman, III  
*Ward 2*

Mary L. Daniel  
*Ward 3*

Gail Smith  
*Ward 4*

Keith R. Dalton  
*Town Manager*

The Special Use Permit was approved with the following conditions:

1. All activities associated with the approved Special Use Permit shall be contained within the Open Space Residential (OSR) zoning district;
2. No outside/event related activities may occur between the hours of 11:00pm and 8:00am;
3. The removal of any mud or debris from vehicles exiting the parcel shall be cleaned from the public right-of-way on West Main Street per regulations established in the *Virginia Erosion and Sediment Control Handbook*;
4. The parking area designated for special events shall not be paved;
5. There shall be no access provided for the Special Permit use from Tyson Drive;
6. Final approval contingent upon Virginia Department of Transportation approval of the site entrance (letter attached); and
7. Any screening plants in place on the site at the time of this approval shall only be removed if necessitated by plant death or disease. Replacement of screening plant material shall be planted to replace those removed in a timely manner.

Per Section 503.3 of the Town of Berryville Zoning Ordinance, any authorized activities approved with the Special Use Permit shall be established within two years of the approval date.

If I can be of further assistance, please contact me at [planner@berryvilleva.gov](mailto:planner@berryvilleva.gov) or 955-4081.

Sincerely,



Christy Dunkle  
Assistant Town Manager

Cc: Wilson Kirby, Mayor  
Harold Rohde, Chair, Berryville Planning Commission  
Keith Dalton, Town Manager  
Bobby Boyce, VDOT  
William Genda (via e-mail)  
Sue and Randy Jones

Enc./1

CURVE	ARC	DELTA	RADIUS	TANGENT	CHORD BEARING	CHORD
C1	171.22°	05°24'01"	2885.00'	85.64'	N65°38'58"W	171.19'
C2	470.00°	24°09'18"	1114.84'	238.54'	S53°56'20"E	466.63'



SURVEY: \_\_\_\_\_ C.I.: \_\_\_\_\_  
 DRAWN BY: P-L JOB NO.: 1702006  
 SCALE: DATE: 02/10/17  
 SHEET: 1/1

**PAINTER-LEWIS, P.L.C.**  
 817 Cedar Creek Grade, Suite 120  
 Winchester, Virginia 22601  
 Telephone (540)662-5792  
 Facsimile (540)662-5793  
 Email office@painterlewis.com

PROJECT:  
**ROSEMONT MANOR**  
**OPEN SPACE RESIDENTIAL OVERLAY**  
**TM# 14-A-10**  
**TOWN OF BERRYVILLE, VIRGINIA**

## Section 502 – Certificate of Occupancy

- 502.2** Prior to the issuance of a Certificate of Occupancy for a new structure, the Zoning Administrator will verify that all property corners have been set with permanent markers by a land surveyor licensed under the laws of the Commonwealth of Virginia. **(11/00)**
- 502.3** In addition to any other requirements for the issuance of a Certificate of Occupancy, a Certificate of Occupancy for a structure will not be issued unless (1) the structure is served by public water and sewer, (2) required curb and gutter and sidewalks are in place on the lot on which the structure is located and in place between said lot and an existing publicly maintained street, (3) a functional fire hydrant is located within three hundred (300) feet of the lot on which the structure is located, and (4) the lot on which the structure is located fronts on an existing publicly maintained street or street meeting Town requirements for a publicly maintained street. **(8/01)**
- 502.4** In addition to any other requirements for the issuance of a Certificate of Occupancy, after issuance of certificates of occupancy for structures on eighty percent (80%) of the lots in a section of a subdivision, a Certificate of Occupancy for a structure in the section will not be issued unless all public improvements in the section have been completed to Town requirements and all streets have been accepted for maintenance by the Virginia Department of Transportation (VDOT), or a complete application for acceptance thereof has been filed with VDOT. **(8/01)**
- 502.5** Upon written application, delayed installation of public improvements described in 502.3 and 502.4 may be considered by the Zoning Administrator. Approval of the application shall only be granted by the Zoning Administrator after consultation with the respective departments or agencies charged with the inspection, acceptance, and maintenance of the improvements, and only upon a further finding that the delayed installation will not be detrimental to the safety and welfare of the residents in the subdivision and the public. A written request for such delayed installation shall set forth the specific improvements sought to be delayed, the justification for the delay, and a committed date for completion of the improvements. A fifty-dollar (\$50.00) fee shall be paid with the request. If the Zoning Administrator approves the application for delayed installation of public improvements, the approval shall be subject to the applicant executing an agreement to hold harmless the town for any loss or liability occasioned by the lack of the improvements delayed. **(8/01)**

### **SECTION 503 - SPECIAL USE PERMIT**

#### **503.1 PROVISIONS FOR SPECIAL USE PERMITS**

- (a) In consideration of an application filed with the Zoning Administrator, the Council may, after a public hearing, authorize the establishment of those uses that are expressly listed as Special Permit uses in a particular zoning district.
- (b) In addition to all applicable conditions and requirements of this Ordinance, the Council may impose any conditions deemed appropriate in the public interest to secure compliance with the provisions of this Ordinance.
- (c) Once a Special Use Permit is granted, the use shall not be enlarged, extended, increased in intensity or relocated unless authorized by the Council.

## Section 503 – Special Use Permit

- (d) Whenever a Special Use Permit is granted by the Council, the authorized activities shall be established within two (2) years of the date of approval with an extension of one (1) additional year with Council approval, or such Special Use Permit shall expire without notice. **(4/08)**
- (e) Should the owner or operator of the use covered by the Special Permit fail to observe all requirements of law with respect to the maintenance and conduct of the use and all permit conditions, the Council may, after due notice to permit holder and a public hearing, revoke the Special Use Permit.

### **503.2 APPLICATIONS**

An application for a Special Use Permit may be submitted by the property owner of record, tenant, or contractor owner.

### **503.3 APPLICATION REQUIREMENTS**

Applications for Special Use Permits shall be accompanied by seven (7) copies of the following items:

- (a) Letter of request, signed by property owner and applicant, outlining complete details of special use desired.
- (b) Site development plan.
- (c) Floor plan, front, side, and rear elevations of proposed new buildings.
- (d) Certified house location plat.
- (e) Information deemed necessary by the Zoning Administrator.
- (f) Applicable filing fee.

### **503.4 APPLICATION PROCEDURE**

- (a) Application submitted to Zoning Administrator, which shall be referred to the Planning Commission for recommendation, and a public hearing shall be scheduled by the Town Council.
- (b) Review by the Planning Commission (public hearing if desired) and recommendation to Town Council.
- (c) Public hearing by Town Council.
- (d) Town Council action (In acting upon the application, the Town Council shall consider the following, among other relevant factors):
  1. The health, safety, and welfare of the general public.
  2. Physical and visual impact on adjoining and abutting properties.
  3. Adequate utilities, drainage, parking, and other necessary facilities to serve the proposed use.
  4. Compliance with the adopted master plan.
  5. Environmental compatibility.
  6. Community sentiment.
- (e) Applicant to be notified by Zoning Administrator of Town Council action.

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**Town Council**

Town Council held a meeting on Tuesday, February 13, 2018. Meeting minutes and agendas for Town Council meetings and for committee meetings are available on the Town's web site [www.berryvilleva.gov](http://www.berryvilleva.gov).

**Berryville Area Development Authority**

The BADA held their organizational meeting on Wednesday, January 24, 2018 at 7:00pm. Allen Kitselman and George Ohrstrom were retained as Chair and Vice Chair, respectively. Members welcomed new BADA member Mary Jo Pellerito.

**Architectural Review Board**

The Architectural Review Board did not hold a February meeting. Their next meeting is scheduled for Wednesday, March 7, 2018.

**Board of Zoning Appeals**

The Board of Zoning Appeals has not held a meeting since the last Planning Commission meeting.