

BERRYVILLE AREA DEVELOPMENT AUTHORITY

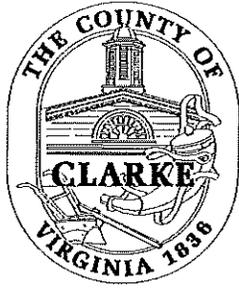
AGENDA

Wednesday, October 28, 2020 -- 7:00pm

Berryville – Clarke County Government Center Main Meeting Room

Chalmers Court – Berryville, Virginia

1. Call to Order – Allen Kitselman, Chair
2. Approval of Agenda
3. Approval of Minutes – July 22, 2020 meeting
4. Site Plan Amendment – Retreat at Berryville
Berryville AL, LLC (Ryan Boshart, Valley Engineering, Agent) is requesting approval of a site plan amendment in order to add approximately 3,500 square feet to the existing structure on the property located at 450 Mosby Boulevard (The Retreat at Berryville), identified as Tax Map Parcel number 14A7-((14))-1, zoned B Business.
5. Action Item - Final Plat – McNeil Drive
House of Lords, Inc. and Ding Yi Wang, Owners (Jon Erickson, Morris & Ritchie Associates, Agent) are requesting Final Plat and Site Plan approval in order to construct an extension of McNeil Drive, creating a two-lot subdivision on the parcel identified as Tax Map Parcel number 14-5-251E zoned Business Commercial (BC). SP 01-20
6. Other Business
7. Adjourn



BERRYVILLE AREA DEVELOPMENT AUTHORITY
DRAFT MINUTES - REGULAR MEETING
Wednesday, July 22, 2020 at 7:00pm
Berryville-Clarke County Government Center – Main Meeting Room
101 Chalmers Court – Berryville, Virginia

A meeting of the Berryville Area Development Authority (BADA) was held on Wednesday, July 22, 2020.

ATTENDANCE

Authority Members Present: Diane Harrison, Allen Kitselman, Tom Parker, David Weiss

Authority Members Participating Electronically: George L. Ohrstrom II; Kathy Smart

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

Chair Kitselman called the meeting to order at 6:47PM.

APPROVAL OF AGENDA

The Authority voted to approve the agenda as presented.

Yes: Harrison (seconded), Kitselman, Ohrstrom, Parker, Smart, Weiss (moved)

No: None

CLOSED SESSION

The Authority voted to enter closed session pursuant to the following motion:

The Berryville Area Development Authority will enter a closed meeting pursuant to Va. Code §2.2-3711-A-29(A)(B) for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel related to the subdivision application and proposed street extension of House of Lords, Inc.

Yes: Harrison (seconded), Kitselman, Ohrstrom, Parker, Smart, Weiss (moved)

No: None

The Authority entered closed session at 6:49 PM and resumed regular session at 7:07 PM. The Authority voted to certify the closed session pursuant to the following motion and resolution:

I move that the BADA adopt the following resolution certifying that it has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act:

Be it resolved that the BADA hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the BADA.

The Authority voted by voice vote to adopt the resolution certifying the closed session.

Harrison (seconded)	AYE
Kitselman	AYE
Ohrstrom	AYE
Parker (moved)	AYE
Smart	AYE
Weiss	AYE

JOINT PUBLIC HEARING WITH BERRYVILLE PLANNING COMMISSION

Chair Kitselman and Kim Kemp (Vice-Chair, Berryville Planning Commission) called the joint public hearing of the Berryville Area Development Authority and the Berryville Planning Commission to order. Commissioners present included Vice-Chair Kemp, Dale Barton, Gwendolyn Malone, Michelle Marino, and Sheryl Reid.

APPROVAL OF JOINT PUBLIC HEARING AGENDA

The Berryville Planning Commission voted to approve the joint public hearing agenda as presented.

The Authority voted to approve the joint public hearing agenda as presented.

Yes: Harrison, Kitselman, Ohrstrom, Parker (seconded), Smart, Weiss (moved)

No: None

JOINT PUBLIC HEARING

Duane Brown (Marsh and Legge Land Surveyors, PLC, Agent; Hermitage, LLC, Owner) is requesting final subdivision plat approval for the creation of 71 single-family residential lots on the property identified as Tax Map Parcel numbers 14A4-((A))-23 (23.42 acres) and 14-A-11A (35.25 acres), zoned R-1 Residential and DR-1 Residential, respectively. MASD 01-20

Chair Kitselman and Vice-Chair Kemp opened the joint public hearing. Ms. Dunkle reviewed the Staff Report for this final subdivision plat application.

Chair Kitselman asked if the applicant wanted to make a statement. Duane Brown (Marsh & Legge Land Surveyors) spoke on behalf of the applicant and indicated that the developer Ritchie Wilkins (Hermitage, LLC) and engineer Ron Mislowsky (Pennoni Associates) are also present. He said that he can address any questions about the project.

Chair Kitselman said that one citizen signed up to speak, but the citizen indicated that he did so in error and did not wish to speak on the application.

The Commission voted to close the joint public hearing. The Authority also voted to close the joint public hearing.

Yes: Harrison (seconded), Kitselman, Ohrstrom, Parker (moved), Smart, Weiss

No: None

The Commission voted to approve the final subdivision plat for Hermitage Phase V. The Authority also voted to approve the final subdivision plat for Hermitage Phase V.

Yes: Harrison (seconded), Kitselman, Ohrstrom, Parker (moved), Smart, Weiss

No: None

The Commission moved to adjourn their meeting.

APPROVAL OF MINUTES

The Authority voted to approve the minutes of the June 24, 2020 meeting as presented.

Yes: Kitselman, Ohrstrom (moved), Smart (seconded), Weiss

No: None

Abstained: Harrison

PUBLIC HEARING – STREET EXTENSION RELATED TO PROPOSED SUBDIVISION

The Berryville Area Development Authority will hold a public hearing pursuant to VA Code §15.2-2232 in order to determine whether the proposed street extension of McNeil Drive is substantially in accord with the adopted Berryville Area Plan.

Ms. Dunkle read the description of this public hearing. Chair Kitselman asked for confirmation that the purpose of this public hearing is limited to the scope of the description and Ms. Dunkle replied yes. Chair Kitselman recognized the applicant for five minutes.

Alton Echols stated that he is representing the land contract purchaser Mr. Wang. He referenced page 2 of the handout that he distributed, and Chair Kitselman said that this public hearing is limited to the proposed subdivision and Ms. Dunkle added the §15.2-2232 issues. Mr. Echols said that it is about the street extension and that page 2 is a diagram that shows the street extension. He said that the Berryville Area Plan amendment of November 2009 actually acknowledged the exact placement of the street extension proposed today. He said that is why the exhibit is important and he is offering it into the record. He also said that under §15.2-2232, one way to get approval of a roadway is through a previously approved item. He said that this existing extension has been planned since 1998 and first went into the records with the rezoning of the land for the apartments and again in 2009 with the plan amendment. He said that the subdivision plat and road extension is something that has been in the plans for a long time. He also asked the Authority members and staff whether they received his email.

Chair Kitselman noted that Mary Ivie signed up to speak. She replied that she will speak later in the meeting. Chair Kitselman said that Mr. Echols also signed up to speak as a private citizen. Mr. Echols declined to speak at this time.

John Foote stated that he is with the law firm of Walsh, Colucci, Lubeley, and Walsh and he is representing North Buckmarsh, LLC. He said that his client stands to be grievously affected by the outcome of this proceeding and has sent the Authority a letter outlining the concerns. He said that the concerns can be expressed simply. He said that the connection of McNeil and Chamberlain Streets is briefly contemplated in the language of the Berryville Area Plan. He added that if the roadway is approved as depicted in the application, it would defeat the larger goals of the Plan and make it impossible to connect the North

Buckmarsh, LLC property to McNeil Street. He said the Plan specifically states that when you are considering a proposed plan, you must evaluate the degree of conformance with the Plan. He added that the degree of conformance in this proposed plan is quite minimal. He said that the Plan states that roadways must be designed at an appropriate scale and capacity to accommodate long-range traffic demands and that you cannot look at this and say that it meets long-range traffic demands. He also stated that future road improvements shall be planned for to ensure that they can be built at the least public cost. He said that there is no doubt that Sub-Areas 6 and 7 are intended to be developed in the Town and will require an adequate transportation network to service those properties. He said that it is also clear that with the planning and existing zoning of these properties, one 60' right of way in McClellan Street will not be adequate to serve those properties. He said this is why the Town has long expressed an interest for the second entrance to go up to the North Buckmarsh, LLC property. He said that most importantly the Plan states that roadways must be brought into the secondary street system to provide public access for both developed and undeveloped properties. He added that if this plan is approved, there is no way that you will be able to construct a secondary access from McNeil Street to the North Buckmarsh, LLC properties. He recommended that the Town consult their own engineers to determine why this connection cannot be made. He said that if the BADA disagrees with this position, a plat note should be required indicating that a future public street right of way and utility easements shall be provided in conjunction with the first site plan submitted for Lot 1 as depicted on the subdivision plat and in the deed for Lot 1. He added that the roadway should be designed as a T-intersection instead of a curve in order to facilitate that connection.

Evan Wyatt (Greenway Engineering) spoke on behalf of North Buckmarsh, LLC. He said that Sub-Area 7 in the Berryville Area Plan is the primary commercial area for economic development and that good land planning should be followed for streets and public utility connectivity. He said the Plan recommends a connection between McNeil and Chamberlain Streets but it does not say that it has to be made with a curvilinear street without providing access to the northernmost parcel. He said that the Plan states that the transportation network for Sub-Area 7 must allow for access to the northernmost parcel. He added that this proposal falls within the scope of the Sub-Area 7 requirements and the proposed roadway does not pass the 2232 test. He also said that the Plan states that private developers shall coordinate their work to create a master plan for the surrounding area as a condition of any land use approval. He noted that the Plan clearly demonstrates what was intended and the 2232 process is the vehicle to allow you to implement your Plan.

Mr. Echols asked to be able to speak at this point as a rebuttal to which he believes he deserves. He said that page 4 of the handout he submitted is a plan that they have had for some time. He said 325 feet east of where he sold them an entrance to take landlocked land that had no rights and give them some rights. He said 745 feet to the right of the yellow line is, we offered them a right of way there. He noted that it would have worked because it was still 325 feet from their eastern route to U.S. 340 which was good. He said it was also in harmony with the 2015 Plan. He said that Mr. Foote is good at taking things out of context and giving you part but not the whole. He said that Sub-Area 7 says in the opening paragraph that the transportation network must allow for access to the northernmost parcel. He noted that the language says "access" and that if a roadway was intended it would have said a road or a street. He said access is the same access that the State has required for five to seven years which is called interparcel access. He said he has actually provided interparcel access but he has been under blind man's bluff. He said that they have not complied with the site plan or master site plan at all. He said he has been shooting in the dark trying to be a good neighbor. He also said he offered to give them a right of way and said that he did not think there has been another developer in this area that has done this. He said that he did this because he admired Harry Jr. and had a relationship with since the early 1960s. He said information left out was that this will help to minimize stacking on McNeil Drive and other access management concerns Route 340 Mosby with traffic attempting to exit the Sub-Area by McNeil Drive to use the signalized intersection at Mosby Boulevard and North Buckmarsh Street. He said that intersection does not have adequate stacking. Chair Kitselman

interjected that Mr. Echols is getting away from the topic of this public hearing. Mr. Echols responded no and said that he was answering what was presented ahead and he gets the right to answer. Mr. Weiss said to Chair Kitselman that Mr. Echols has used his time and Chair Kitselman responded that he has well used his time. Mr. Echols said it is in the record and he hopes they read it. He added that he did not want to offer this and referenced section 2280 in the Virginia code that gives you the law. He also referenced Section 2208.1 which is that this land has the right to sue if it arbitrarily, unreasonably, and capriciously denied the subdivision. He said he did not want to get into that but if you force it, you force it.

Chair Kitselman said that this concludes the list of people who signed up to speak, and asked if anyone else wished to speak. Hearing none, Chair Kitselman asked for a motion to close the public hearing. The Authority voted to close the public hearing.

Yes: Harrison (seconded), Kitselman, Ohrstrom, Parker, Smart, Weiss (moved)

No: None

Chair Kitselman said that the next public hearing is the continued public hearing for the final plat and site plan for McNeil Drive.

CONTINUED PUBLIC HEARING – FINAL PLAT AND SITE PLAN – MCNEIL DRIVE

House of Lords, Inc. and Ding Yi Wang, Owners (Jon Erickson, Morris & Ritchie Associates, Agent) are requesting Final Plat and Site Plan approval in order to construct an extension of McNeil Drive, creating a two-lot subdivision on the parcel identified as Tax Map Parcel number 14-5-251E zoned Business Commercial (BC). SP 01-20

Ms. Dunkle provided an overview of this application. Chair Kitselman stated that Mary Ivie signed up to speak.

Ms. Ivie said that before Berryville approves any more development, they should be taking care of people who live in town. She said we have stormwater issues, some of which are the result of Mr. Echols's previous development, that are not being addressed or fixed right now. She said the town should think about the people who are living here now and paying taxes and should fix these problems.

Mr. Echols said that he will continue where he left off before. He said these access management techniques can substantially aid in controlling traffic flow from three high average daily trip generators in Martins, McDonalds, and the Bank of Clarke. He said when traffic is diverted westward as per Sub-Area 7 mandates and traffic is channeled from the Byrd land back through their right of way to McClellan Street, significantly less traffic will need to backtrack down McNeil's bottleneck to Mosby. He said this will help lessen any bottleneck at North Buckmarsh and Main Street. He said Route 7 west traffic will exit at the area by Mosby and take Main Street and Route 7 to Winchester. He said Hermitage traffic and Route 340 south traffic may exit by Mosby or by Jackson Street to east on Main and south to the Hermitage. He said this planning will help decrease congestion at these two important intersections. He said even though they have hired attorneys on him and cost his client \$15,000-20,000 in fees, as long as he has anything to do with this property his sole interest is the highest and best use of the land for both the landowner and the town and the area. He said his second interest is to leave this land fully developed without the traffic maze that we have downtown and elsewhere in town. He said the third interest is to bring in the most money in tax revenue both to the County and Town. He added that if the Byrd family representatives would sit down with the chairman of the Planning Commission, the chairman of the BADA, and the representative from the County, we can figure out the highest and best use of the land. He said he has been fighting here for 30 years and he is 84 years old and does not have the patience he had. He said he thinks they should treat him more like a senior citizen and less like a punching bag.

Mr. Foote said that the Authority should consider his previous comments as applicable to the matter as well.

Mr. Wyatt said that during the last public hearing we were talking about the validity of the 2232 and that this hearing is specific to the subdivision plat. He said once again in order to make sure you have worked your plan correctly, the subdivision plat is definitely the document where you want to make sure that properties are served with road rights of way and easements for water and sewer. He said if this is not accomplished with Lot 1 and Lot 1 is later sold, there will be nothing that obligates the owner of Lot 1. He added that you will have created in essence a spite strip and there is no potential guarantee that the northernmost parcel will have access as indicated in the Plan.

Chair Kitselman said that this concludes the list of people who signed up to speak and asked if anyone else wished to speak. Mr. Echols asked if he could speak as an individual and Chair Kitselman said that he just did. Mr. Echols replied that he has not spoken as an individual and Chair Kitselman recognized him for three minutes.

Mr. Echols said that on the three-page background that he sent, Item #6 references Virginia code 15.2-2280, which says that zoning ordinances reaffirm that a local governing body does not have the authority to enact a zoning ordinance that requires an individual owner as a condition of development approval to dedicate a portion of their land in fee for the purpose of providing a road, the need for which is substantially generated by public traffic rather than the proposed development. He said what Mr. Foote and Mr. Wyatt have asked the Authority to break the law. He said that they have asked that the subdivider be required to dedicate a portion of their land. He said this should have never been put in the 2015 comprehensive plan and noted that it was not in the 2010 or 1998 plans. He said it actually breaks the law to be in here but only if it is interpreted the way they want it to be interpreted. He said if it is interpreted to be a 50-60 foot roadway, you are breaking the law. He said if it is interpreted as it should be as merely a 13 foot access easement with a 20 foot right of way which we would have probably given. He said he has told his engineer to always consider opening up to an interparcel access or to a roadway. He said if in fact there was ever to be a second entrance, it would only be required if they were generating more than 2,000 trips per day. He said with the traffic generated by existing uses, you do not have to be past the third grade to realize it is a mess.

Chair Kitselman asked for a motion to close the public hearing. The Authority voted to close the public hearing.

Yes: Harrison, Kitselman, Ohrstrom, Parker (seconded), Smart (moved), Weiss

No: None

DISCUSSION OF PUBLIC HEARINGS

Ms. Dunkle said that the order of discussion is the 2232 public hearing and then after that the continued public hearing. Chair Kitselman asked if there is any discussion. Mr. Weiss asked if we are focusing on where the road joins rather than what is happening on the land around it. Ms. Dunkle replied that it is the connection of the road from McNeil's terminus to McClellan's terminus. Mr. Weiss asked whether what is happening on the lots is relevant to the discussion and Ms. Dunkle replied that we have not received any site plans. Chair Kitselman said that the connection creates two lots, resulting in a subdivision and what is happening on those lots is not known. Ms. Dunkle added that the question per 15.2-2232 is whether the request is in substantial conformance to the 2015 Berryville Area Plan.

Chair Kitselman asked if there are any motions. Ms. Harrison made the following motion, seconded by Mr. Parker:

I move as follows:

- (1) *That the Berryville Area Development Authority determine that the proposed extension of McNeil Drive to its terminus with Chamberlain Street is substantially in accord with the adopted Berryville Area Plan, and*
- (2) *That this determination does not address the Berryville Area Plan guidelines for access to Tax Map Parcel No. 14-A-105, which will be addressed upon the submission of a site plan for any development on Lot 1 (containing 4.1982 acres as shown on the Record Plat subdividing Tax Map Parcel 14-5-251E), and*
- (3) *That the foregoing paragraphs (1) and (2) be included in the Notes on said Record Plat.*

Mr. Weiss noted that we have said our plans and conversations to a certain degree have indicated that we want parcels to interact with one another, we want access and we want things to work. He said he agrees with the motion.

Yes: Harrison (moved), Kitselman, Ohrstrom, Parker (seconded), Smart, Weiss
No: None

Chair Kitselman asked if there is a sample motion in the meeting packet regarding the final subdivision plat and Ms. Dunkle replied yes. Mr. Parker made the following motion, seconded by Mr. Weiss:

I move that the Berryville Area Development Authority approve the final subdivision plat for the parcel identified as Tax Map Parcel number 14-5-251E with the condition that previously submitted comments be addressed.

Mr. Weiss asked what comments have been addressed. Ms. Dunkle replied that she has not received a final plat revision and has comments from April and May from Town Staff and Pennoni. She added that there will need to be a dedication for the roadway and a deed of dedication from the owner as well. Mr. Weiss said he would hope these things would be resolved prior to seeing it again because if they are not resolved, then he does not want to see it again. Mr. Ohrstrom added that there are probably time clock reservations as well and Ms. Dunkle replied that she would check into it. She added that you cannot give it a blanket approval yet because the conditions have not been met and the comments have not been addressed. She said you could close the public hearing and make a decision next month. Chair Kitselman asked what the Authority members wanted to do. Mr. Weiss asked if there is a time clock problem and Ms. Dunkle replied yes, with the application submittal. Mr. Parker said the motion as read puts the onus on the applicant to address comments. Ms. Dunkle asked Mr. Erickson what his time frame was for addressing the comments. Mr. Erickson replied that the only comment they are working on is with regard to chain of title. Mr. Parker asked if this is the only outstanding comment and Ms. Dunkle replied no and that there are others of a housekeeping nature such as correcting adjacent property owners and reviewing the dedication. Mr. Erickson said there are six total comments. Mr. Weiss asked how many they have answered and Mr. Erickson replied five. Mr. Erickson replied that there have been several boundary line adjustments and with Mr. Echols selling the property it makes the chain of title kind of convoluted. He added that he is looking into how to word the property description to satisfy state code requirements. He said that it is the only comment he has not addressed and if he were to get an answer tomorrow, he could probably submit the

revised plat tomorrow. He added that he was not aware of comments from Staff and Ms. Dunkle replied that she had sent comments to him in April. Chair Kitselman asked if Staff is comfortable approving it as recommended. Ms. Dunkle replied that she will not sign anything until everything has been addressed. She said that the Authority could also defer for one month and see that all comments are addressed before approving. Mr. Ohrstrom replied that he preferred that approach because he is not a fan of conditional approvals. Ms. Harrison said that she agreed with Mr. Ohrstrom. Ms. Dunkle said that there is time to review it in August and Mr. Weiss noted that he would not mind meeting again in August. Mr. Parker withdrew his motion. Mr. Stidham noted that there needs to be a motion to defer the matter to August. Mr. Ohrstrom moved to defer the matter for one month to the August meeting, seconded by Mr. Parker.

Yes: Harrison, Kitselman, Ohrstrom (moved), Parker (seconded), Smart, Weiss

No: None

OTHER BUSINESS

None

ADJOURN

There being no further business, Chair Kitselman adjourned the meeting at 7:55PM.

Allen Kitselman, Chair

Brandon Stidham, Clerk

Berryville Area Development Authority Report Summary

October 28, 2020

Item Title

Final Subdivision Plat – McNeil Drive

Prepared By

Christy Dunkle

House of Lords, Inc. and Ding Yi Wang, Owners (Jon Erickson, Morris & Ritchie Associates, Agent) are requesting Final Plat and Site Plan approval in order to construct an extension of McNeil Drive, creating a two-lot subdivision on the parcel identified as Tax Map Parcel number 14-5-251E zoned Business Commercial (BC). SP 01-20

Background/History/General Information

A public hearing on this matter was held on June 24, 2020. At that time, the applicant requested a 60-day extension which would have moved the action of approval or disapproval to this meeting. He has requested another six-month extension for action on this item. Background on this application is in italics below.

May 27, 2020 Staff Report

Alton Echols, president of House of Lords, Inc., and Ding Yi Wang are requesting approval of a Final Plat which would create two lots fronting on an extension of McNeil Drive.

Final Plat

The Final Plat submission identifies right-of-way for a new public street which extends McNeil Drive from its current terminus to existing Chamberlain Street. The original configuration included a T-intersection and an east-west extension of Chamberlain. The proposed road has created a second parcel. Lot 1 is 4.1982 acres and Lot 2 is 2.0535 acres. Both parcels have been annexed into the Town and are zoned BC Business Commercial, which is regulated under Section 610 of the Berryville Zoning Ordinance.

There has been no indication from the owners of the type of uses that would be developed on these parcels. Accordingly, additional transportation requirements may be required (e.g., turn lanes, additional right-of-way) due to vehicle trips generated from the respective parcels.

Findings/Current Activity

Mr. Echols has requested a six-month extension for a determination on the final subdivision plat under review. As you will see from his letter dated October 20, 2020, there continue to be a number of outstanding problems that have not been addressed.

Financial Considerations

N/A

Schedule/Deadlines

Statutory deadlines are established by the Town through the Subdivision Ordinance and by the Code of Virginia. The Town of Berryville Subdivision Ordinance states that the Administrative Body shall act to approve or disapprove a final plat within 60 days of submission; however, the final plat shall not be approved until the subdivider has complied with the requirements and standards of design in accordance with this Ordinance. As referenced above, the applicant previously requested a 60-day extension for approval or disapproval of the final plat.

While the Subdivision Ordinance addresses timeframes for extensions to record approved final plats of up to six months, it does not address applicants' requests to extend determinations.

Other Considerations

Staff is concerned that the extension of an application for a total of eight months is problematic due to the length of time between the public hearing and action on the item and the requisite posting and notifications to adjacent property owners. Additionally, changes may occur (e.g., zoning and subdivision ordinance modifications, state code changes made by the General Assembly, requirements for construction materials, public improvement standards) over a long period of time.

Recommendation

Staff is recommending options of either 1.) extending the determination for no more than four months or 2.) to disapprove the final plat at the meeting.

Sample Motions:

I move that the Berryville Area Development Authority approve a FOUR- or SIX-month extension for approval of disapproval of the final subdivision plat for McNeil Drive.

OR

I move that the Berryville Area Development Authority disapprove the final subdivision plat for McNeil Drive due to non-compliance of requirements and standards of design in accordance with the Berryville Subdivision Ordinance.

Attachments:

- Letter dated October 20, 2020 from Alton Echols
- Subdivision plat dated September 10, 2020

Alton C. Echols, Jr.

400 Custer Crt. | Berryville, Va. 22611
703.777.4100 | aecholsjr@gmail.com

Ms. Christy Dunkle

Assistant Town Manager/Planner
Berryville Area Development Authority
Town of Berryville
101 Calmers Court, Suite A
Berryville, Va. 22611

10/20/20

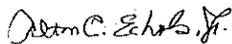
Christy,

Thank you again for setting time for our conference today with you, Mr. Wang, Mr. Dorsey, P.E., M.E., and myself. I was indeed shocked that Jon Erickson terminated his services last week. It was a greater shock to find that DEQ requires a full review rather than the one acre exception our subdivision was filed under. In view of the above, we hereby request that the BADA extend our date for final approvals of the McNeil Road Subdivision Plat and associated Construction Documents for 180 days. Pending that DEQ approval is completed within that timeline. Other items discussed today that require solutions are as follows:

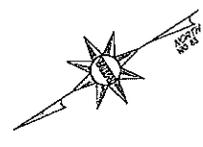
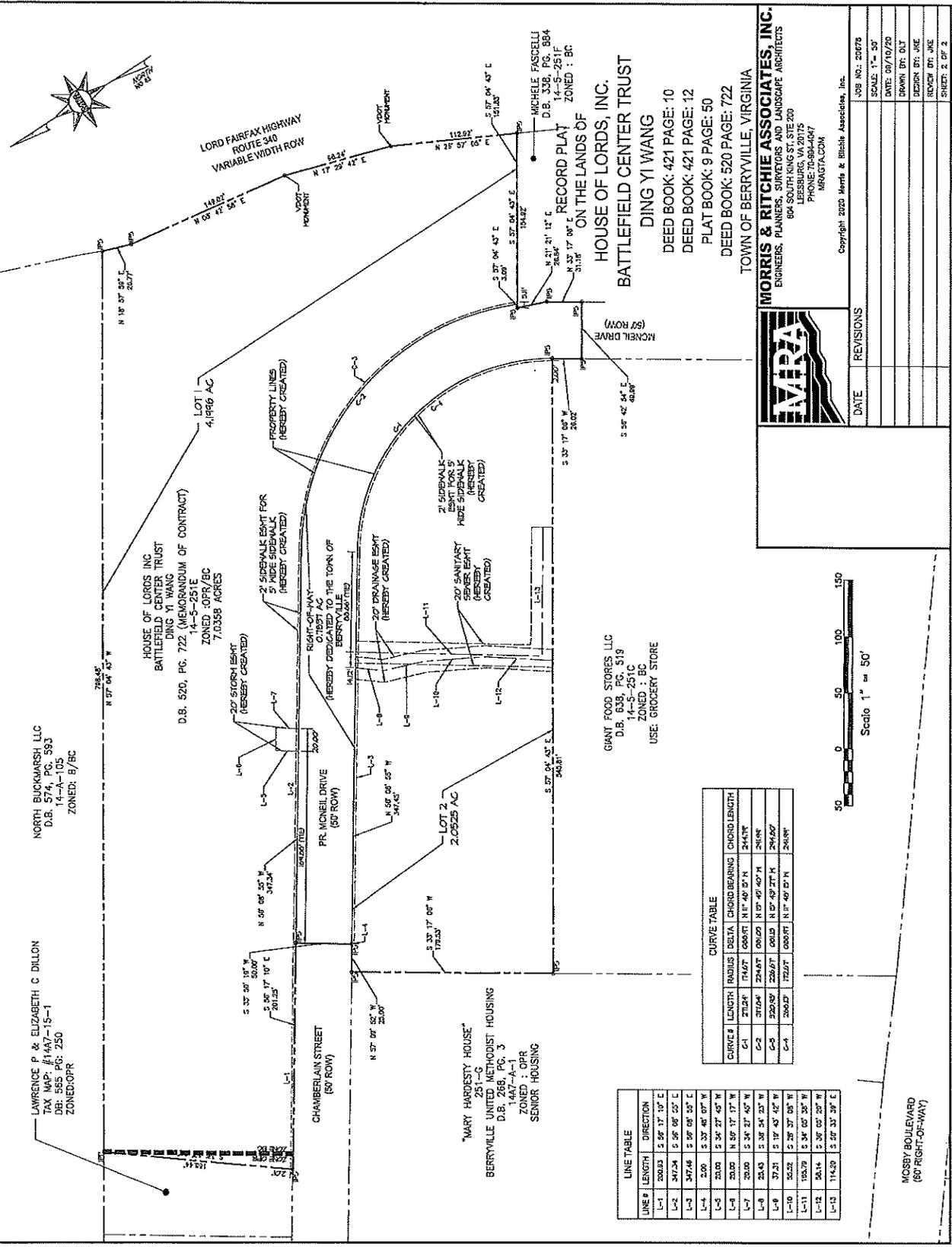
- 1) Geometrical continuation of existing McNeil Road and Chamberlain Street,
- 2) Adjustment of the Right-of-Way lines along Lot 1 to meet at a minimum the 50' width,
- 3) Removal of the Easement outside of the Right-Of-Way for the sidewalk and inclusion of the sidewalk in the Right-of-Way. Plus the 1' that VDOT requires on the other side as per VDOT Cross-Sections,
- 4) DEQ Approvals,
- 5) Resolution of the Maintenance responsibility at Pickett Street Pond through a Maintenance Agreement which was when Food Lion was built,
- 6) Connection of the Sidewalk with the existing McDonald's sidewalk which will require approximately a 3' or 4' offset to the west of it's current position.

Thank you again for your time and understanding in this matter. I look forward to working steadfastly with you in it's resolution. Please submit our request to the BADA. I will be there at the BADA's October meeting in person to answer any questions.

Thank you, and respectfully yours,



Alton C. Echols, Jr.



LAWRENCE P & ELIZABETH C DILLON
TAX MAP: #14A7-15-1
DB: 585 PG: 250
ZONED: OPR

NORTH BUCKMARSH LLC
D.B. 574, PG. 583
14-A-105
ZONED: B/BC

HOUSE OF LORDS INC
BATTLEFIELD CENTER TRUST
DING YI WANG
D.B. 520, PG. 722 (MEMORANDUM OF CONTRACT)
14-S-251E
ZONED: OPR/BC
7.0358 ACRES

RIGHT-OF-WAY
0.7831 AC
(HEREBY DEDICATED TO THE TOWN OF BERRYVILLE)

"MARY HARDESTY HOUSE"
BERRYVILLE UNITED METHODIST HOUSING
D.B. 268, PG. 3
1.447-A-1
ZONED: OPR
SENIOR HOUSING

GRANT FOOD STORES LLC
D.B. 633, PG. 519
14-S-251C
ZONED: BC
USE: GROCERY STORE

MICHELE FASCELLI
D.B. 338, PG. 884
14-S-251F
ZONED: BC

ON THE LANDS OF
HOUSE OF LORDS, INC.
BATTLEFIELD CENTER TRUST
DING YI WANG

DEED BOOK: 421 PAGE: 10
DEED BOOK: 421 PAGE: 12
PLAT BOOK: 9 PAGE: 50
DEED BOOK: 520 PAGE: 722

TOWN OF BERRYVILLE, VIRGINIA

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
604 SOUTH KING ST, STE 200
LEESBURG, VA 20175
PHONE: 703-964-0477
BRAGTAG.COM

DATE	REVISIONS	JOB NO.
		20178
		SCALE: 1" = 50'
		DATE: 06/19/20
		DRAWN BY: DJT
		DESIGN BY: JMC
		RECORD BY: JMC
		SHEET: 2 OF 2

CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C-1	212.04'	74.67'	60.83°	N 11° 40' 57" W	244.97'
C-2	310.04'	224.67'	60.00°	N 07° 40' 40" W	264.98'
C-3	250.00'	226.67'	100.00°	N 10° 45' 27" W	244.60'
C-4	300.00'	175.00'	60.83°	N 11° 40' 57" W	246.98'

LINE #	LENGTH	DIRECTION
L-1	200.00'	S 56° 17' 10" E
L-2	247.24'	S 26° 08' 25" E
L-3	347.68'	S 09° 08' 35" E
L-4	2.00'	S 33° 48' 07" W
L-5	20.00'	S 34° 27' 45" W
L-6	20.00'	N 59° 17' 17" W
L-7	30.00'	S 34° 27' 45" W
L-8	25.00'	S 30° 54' 20" W
L-9	37.21'	S 19° 45' 15" W
L-10	35.02'	S 29° 37' 08" W
L-11	105.79'	S 34° 05' 30" W
L-12	24.14'	S 38° 05' 30" W
L-13	114.20'	S 29° 35' 38" E



MOSBY BOULEVARD
(80 RIGHT-OF-WAY)

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Berryville Area Development Authority Report Summary

October 28, 2020

Item Title

Site Plan Amendment – Retreat at Berryville

Prepared By

Christy Dunkle

Berryville AL, LLC (Ryan Boshart, Valley Engineering, Agent) is requesting approval of a site plan amendment in order to add approximately 3,500 square feet to the existing structure on the property located at 450 Mosby Boulevard (The Retreat at Berryville), identified as Tax Map Parcel number 14A7-((14))-1, zoned B Business.

Background/History/General Information

The Retreat at Berryville was approved in August of 2017 and completed in 2019. The request before you is for the construction of two additions to the front (east) side of the structure.

Findings/Current Activity

The expansion will create eight additional units, four memory care and four assisted living. Parking spaces will not be removed as part of this project. Parking spaces exceeded the requirement with the original construction of the building.

Town staff and the consulting engineer have reviewed the plans and have approved the plans as submitted.

The Department of Environmental Quality reviewed this project for storm water management compliance and has approved the modifications presented in this expansion.

Financial Considerations

N/A

Schedule/Deadlines

No public hearing is required.

Other Considerations

N/A

Recommendation

Approve the plans as submitted.

Sample motion: I move that the Berryville Area Development Authority approve the proposed expansion of the Retreat at Berryville as submitted.

Attachments:

- Site development plan
- Photos of the existing building
- Floor plan and elevation drawings of the proposed additions





VALLEY ENGINEERING
494 CHOCOMA DRIVE
MOUNT CARMEL, PENNSYLVANIA 22241
TELEPHONE (610) 434-4300 FAX (610) 434-9054
www.valleyeng.com

PROJECT NO. _____
DATE: 06/27/2020
PROJECT NO. _____
PROJECT NO. _____
PROJECT NO. _____
PROJECT NO. _____

EROSION AND SEDIMENT CONTROL MAINTENANCE

THE EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND THROUGHOUT THE LIFE OF THE PROJECT. THE EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND THROUGHOUT THE LIFE OF THE PROJECT. THE EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND THROUGHOUT THE LIFE OF THE PROJECT.

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CONNEXION SENIOR LIVING BUILDING EXPANSION
(MOSEBY BOULEVARD) BERRYVILLE, VIRGINIA

VALLEY ENGINEERING
IDEAS MADE REAL

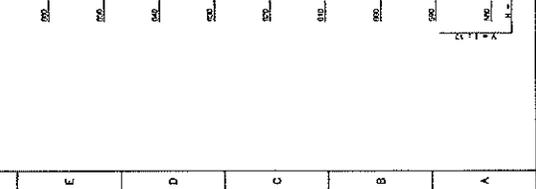
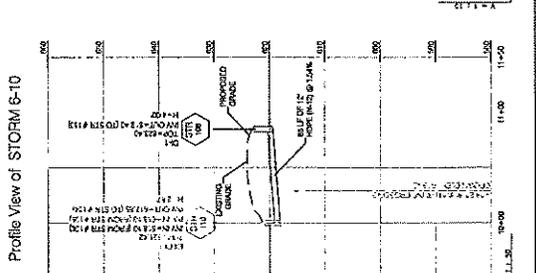
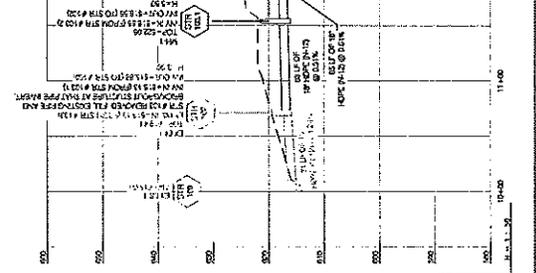
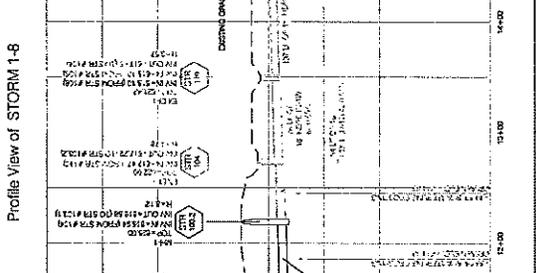
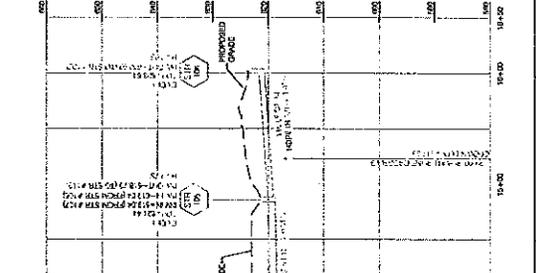
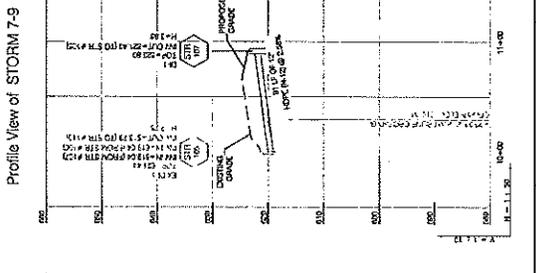
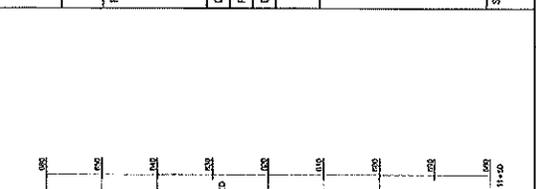
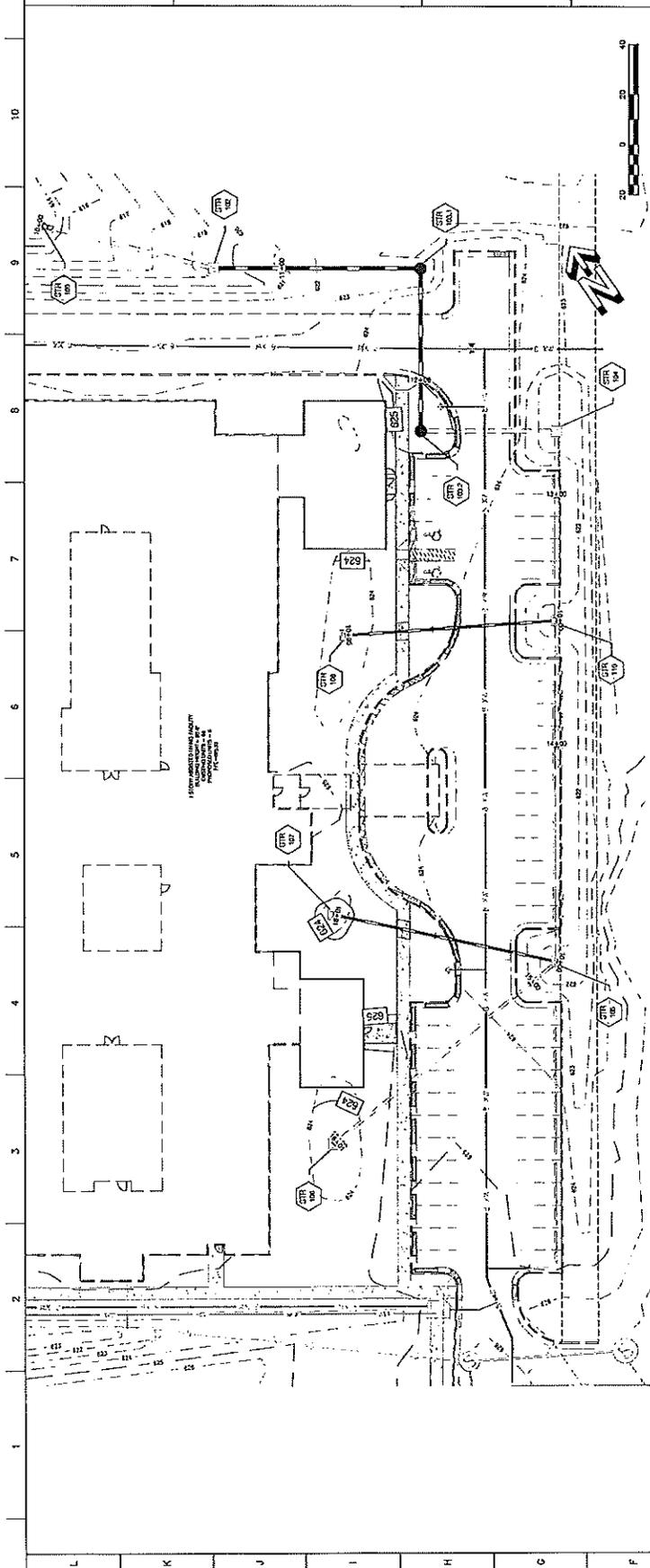
4501 CHERRY CREEK
MOUNTAIN VIEW, VIRGINIA 22971
PHONE (843) 434-6333 OR (803) 243-4333
FAX (843) 434-6333
WWW.VALENG.COM

DATE: 06/17/2020
PROJECT No.:
DIPLOMAT No.:

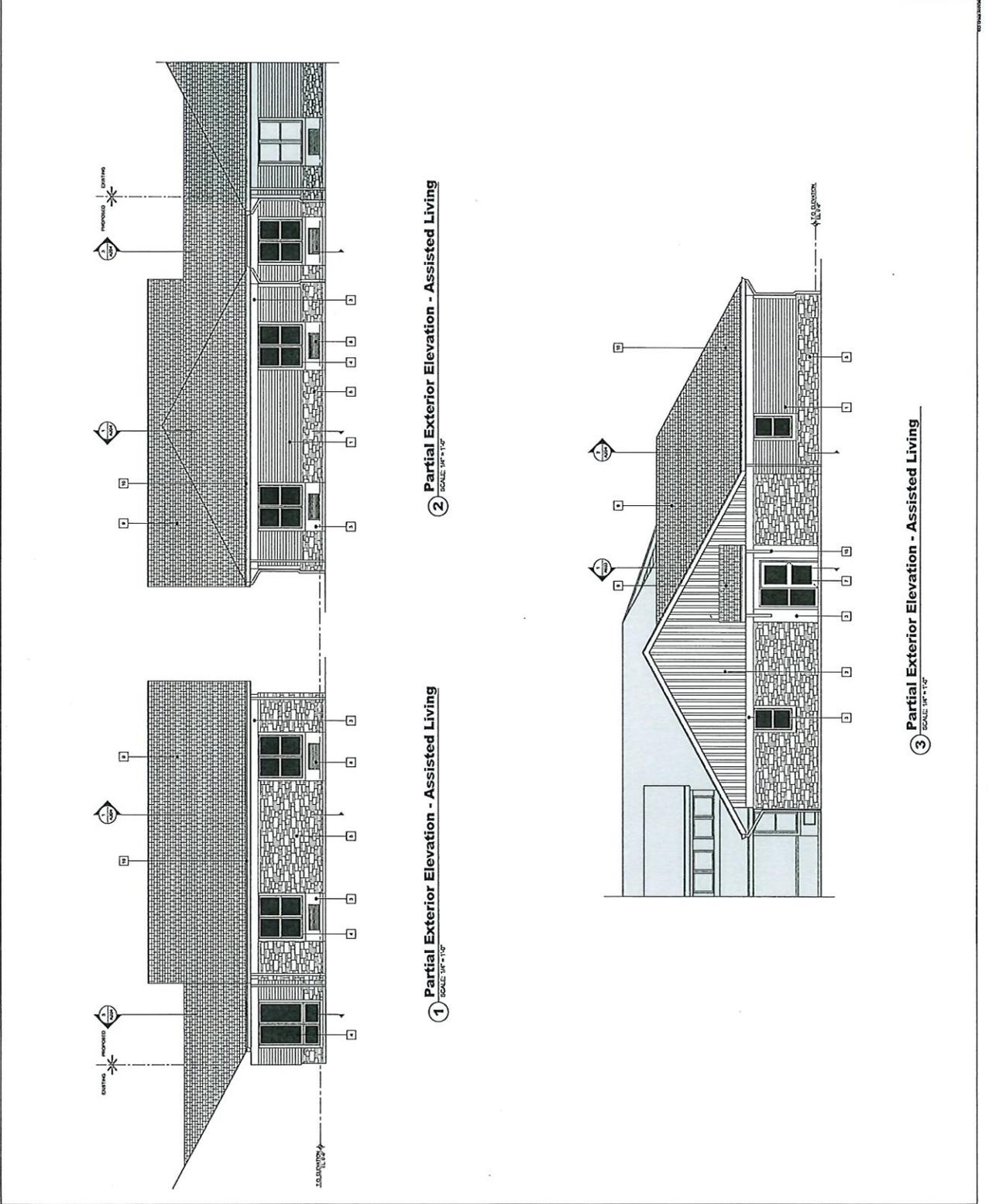
SCALE: AS SHOWN

STORM SEWER PLAN & PROFILES

SHEET NO.: **C5.01**



Elevation Key Notes	
1	FIBER CEMENT BOARD - TYPE 1 - CLASSIC ARCADE STYLE
2	FIBER CEMENT BOARD - TYPE 2 - BOARD & BUTT
3	PAINTED CONCRETE FINISH
4	WALL WINDOW FINISH COMPOSITE TRIM
5	WALL FACTURED STONE - VANDER
6	ALUMINUM EXTERIOR FINISH INSULATED GLASS
7	PAINTED METAL DOOR EXHIBITORS
8	PAINTED ARCHITECTURAL GRILL
9	APPLY FINISH TO ROOF W/ FINISH VENT
10	PAINTED ALUMINUM OUTRIGER & DOWNPIPE
11	DOWNPIPE WITH FINISHED COMPOSITE TRIM, NYLON HANGERS & LEAD TYPE 1
12	VENT FLOOR
13	EXTERIOR WALL MOUNTED LIGHT FIXTURE
14	2" X 4" COMPOSITE COLUMN HOLLOWWARE & TRIM
15	EXTERIOR DECORATIVE COMPOSITE BRACKET



1 Partial Exterior Elevation - Assisted Living
SCALE: 1/4" = 1'-0"

2 Partial Exterior Elevation - Assisted Living
SCALE: 1/4" = 1'-0"

3 Partial Exterior Elevation - Assisted Living
SCALE: 1/4" = 1'-0"

DIGroup Architecture 1000 W. BERRYVILLE AVENUE BERRYVILLE, VA 22001	
NEW ADDITION TO THE RETREAT AT BERRYVILLE 150 MOBBY BLVD BERRYVILLE, VA 22001	
BERRYVILLE HEALTH INVESTORS, LLC 1270 25th STREET S.E. HICKORY, NORTH CAROLINA 27002	
BUILDING ELEVATIONS	
SHEET NO. 16.504 DATE: 05/20/2020	PROJECT NO. 161
DRAWN BY: [Name] CHECKED BY: [Name] PROJECT MANAGER: [Name]	
PROJECT LOCATION: [Address] CLIENT: [Name] ARCHITECT: [Name]	
SCALE: 1/4" = 1'-0" SHEET NO. A202	