



Berryville Town Council

MEETING AGENDA

Berryville-Clarke County Government Center
101 Chalmers Court, Second Floor
Main Meeting Room
Work Session

June 29, 2026

3:30 PM

Item

Page

1. **Call to Order**
2. **Approval of Agenda**
3. **Unfinished Business**
4. **New Business**

Discussion: Friant Enterprises #1, LLC; Friant Enterprises #2, LLC; Friant Enterprises #3, LLC
(Friant Enterprises #1, LLC; Friant Enterprises #2, LLC; Friant Enterprises #3, LLC
(Owners) (John Regan, Christopher Companies, Agent) are requesting a rezoning of
an approximately 42.26 acres of an approximately 97.8 acre property identified as 14-
A-80 from OSR Open Space Residential; DR-1 Detached Residential-1; DR-2 Detached
Residential-2; and BP Business Park to DR-4 Detached Residential-4 subject to the
conditions proffered by the applicant. RZ01-25

5. **Other**
6. **Adjourn**

Town Council Work Session Agenda Item Report Summary
June 29, 2026

Item Title

Battletown Run – Friant Property Rezoning

Prepared By

Terry Russell

Friant Enterprises #1, LLC; Friant Enterprises #2, LLC; Friant Enterprises #3, LLC (Owners) John Regan, Christopher Companies, (Agent) are requesting a rezoning of approximately 42.26 acres of an approximately 97.8 acre property identified as 14-A-80 from OSR Open Space Residential; DR-1 Detached Residential-1; DR-2 Detached Residential-2; and BP Business Park to DR-4 Detached Residential-4 subject to the conditions proffered by the applicant. RZ 01-25

General information

Christopher Companies submitted a rezoning request to the Town of Berryville on September 25, 2025 for the lot referred to as “the Friant property”. Although the lot has a total area of approximately 100 acres, parts of which are zoned DR-1 Detached Residential-1 (one dwelling unit per acre), DR-2 Detached Residential-2 (two dwelling units per acre), BP Business Park, and OSR Open Space Residential (one dwelling unit per 10 acres), the applicant is proposing that only approximately 42 acres be rezoned to DR-4 Detached Residential-4 (four dwelling units per acre).

The area proposed to be rezoned is in the southwestern portion of the lot. A large open space area (OSR) is located to the north of this area and the Bel Voi estate (OSR) is located to the east of the area to be rezoned. Christopher Companies is proposing to develop 24 units on the 24 acres located east of the Bel Voi estate. No rezoning is requested for this area.

Density

The Friant Property is zoned OSR in the 34-acre northwest corner of the lot in the area of Buckmarsh Run. It is zoned BP in the 7 acres on the western side of the property adjacent the railroad tracks. The balance of the property, approximately 60 acres, is zoned DR-1 and DR-2.

According to the BAP, Sub-area 15 has one-third of its area in slopes greater than 15 percent. The BAP assumed that development should not occur on slopes greater than 15 percent. This assumption produced 112 units as the number of units permitted in Sub-area 15 and listed in Table 12 of the BAP. In his memorandum dated February 19, 2026 (attached), David T. McElhaney, PE, Urban, Ltd., the applicant’s engineer, noted that the applicant prepared a detailed topographic and boundary survey. The applicant conducted a slope analysis and found that only about 2.38 acres of slope greater than 15 % exist. Therefore, development yield based on the slopes criteria would yield 138 units rather than 112 units. The applicant’s slopes analysis

has been confirmed by the Town's consultant engineers. The applicant is proposing only 134 residential lots. There are 110 lots proposed in the western landbay, and 24 lots in the eastern landbay.

For comparison, Dewberry Engineers calculated a by-right zoning concept for the property in 2024. It calculated that 66 residential lots could be platted under the DR-1 and DR-2 cluster provisions and 120,000 square feet of warehouse space could be built on the BP portion of the lot. In order to compare by-right residential development for the entire site to the current rezoning proposal, Town staff has calculated that if only the BP area were rezoned to DR-4, the number of residential lots could increase by 28 lots for a total of 94 lots on the entire Friant property.

Berryville Area Plan

The Friant property is located within Annexation Area B as identified in the Berryville Area Plan, a component plan of the Town and Clarke County's comprehensive plans. Sub-areas were identified on all parcels within Annexation Area B, with specific comment regarding transportation, historic resources, and environmental suitability.

The parcels included in this request are within Annexation Area B sub-areas 13, 14, and 15. Please note: sub-areas 16 and 17 are not part of this rezoning request and are under separate ownership.

The following is from the Berryville Area Plan:

- **Sub-area 13 – Buckmarsh Run Conservation Area (32.4 acres)**
Land use: environmental conservation
Current zoning applied: OSR Open Space Residential
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
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
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 of the 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.

Proffers

To address impacts of the rezoning, the applicant has offered 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. Rezoning 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 (attached) 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.

Proffers are permitted under Section 509 of the Town of Berryville Zoning Ordinance, providing that:

- (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 the Code of Virginia.

The Proffer Statement

The applicant has submitted a proffer statement dated June 10, 2026 (attached). The statement provides that residential development will be limited to a maximum of 110 single-family detached dwelling units in the area proposed to be rezoned, the western landbay, and a total of 134 single-family detached dwelling units in the Master Development and Rezoning Plan area, including the 24 units developed under the regulations of the existing DR-1 zoning in the eastern landbay.

Open space for the entire property is proffered to be approximately 54.8 acres or 54.8 % rather than approximately 35% required. It is proffered that the property will be developed in general

conformance with the Master Development and Rezoning Plan and subject to only minor modifications that may be approved upon the time of final engineering. The Zoning Administrator has the authority to require an amendment by the Town Council for modifications determined not to be minor. Easements for open space and public trails are proffered to be recorded according to the elements shown in the Master Development and Rezoning Plan.

Proffered tot-lot and workout stations, and the public trail system are to be delivered by the occupancy of the 55th unit to be constructed, or roughly halfway through the construction process. The creation of a Homeowner's Association for the entire development is proffered with responsibility for all common areas, trails and stormwater management facilities.

Cash proffers are proposed for schools in the amount of \$62,000.00 based on \$2,000.00 per student for the excess students generated by the development of the site that were not already planned for the school system. The developer worked with Clarke County Public Schools to calculate this amount. In addition, \$9,254.19 is proffered to offset the impact on Town park facilities.

Water and sewer facilities are proffered to be constructed to serve the development and dedicated to the Town. Stormwater management facilities and Best Management Practices for stormwater are proffered, as well. Streets and sidewalks are proffered to be constructed and dedicated in accordance with the Town's Zoning Ordinance, the Subdivision Ordinance, VDOT standards and as shown on the Master Development and Rezoning Plan.

It is proffered that there will be appropriate construction activity contact information provided to the Town and the public during the construction phase of the development process in order to deal with issues or concerns that may arise with construction activity.

Finally the applicant proffers to construct a sidewalk on the west side of Battletown Drive from East Main Street to the Friant property where sufficient right of way exists and no utility relocation is required. The applicant proffers \$50,000.00 to be held in escrow for 5 years to be used by the Town towards future construction of the sidewalk in areas without existing right of way. The applicant has provided a preliminary plan of the sidewalk (attached).

Clarke County Planning Department comments with Town Responses

The Clarke County Planning Director sent two memos to the Town commenting on the subject rezoning application. The County Planning Director's comments and the Town's Director of Community Development's responses are provided below.

Clarke County Planning Director's comment:

“While provision of an emergency access connection [Black Twig Street] helps to address public safety concerns, the absence of an uninterrupted public street connection to the proposed new street to be constructed to the east through Sub-Area 17 makes the proposed development plan noncompliant with this master plan element. My previous concern about construction traffic having to use the existing street network for construction of the 110 lot portion of the project also remains.”

Berryville Community Development Director's response:

The applicant has agreed to establish Black Twig as a street, rather than just an emergency entrance. This resolves the Clarke County Planning Director's concern. Construction traffic concerns would exist for any development of the site, and thus are not a rezoning-related issue, though the applicant has been requested to pursue alternative access points for construction traffic.

Clarke County Planning Director's Comment:

"As noted in my previous memo, Town Staff will have to determine whether the proposed lot layout meets the Town's cluster subdivision requirements."

Berryville Community Developer's response:

The proposed development plan lot layout meets the Town's cluster subdivision requirements, resolving the Clarke County Planning Director's concern. Cluster Subdivision requirements are provided in Article II, Section F, of the Subdivision Ordinance.

Clarke County Planning Director's Comment:

"The applicant has included proffers for the development of a "public trail system" and sidewalks. Language should be added to clarify who will be responsible for ownership and maintenance of the public trail system."

Berryville Community Development Director's response:

This comment has been addressed. The developer has included the referenced walkability components as part of the official proffers (see attached). Ownership and maintenance has been identified as the HOA.

Clarke County Planning Director's Comment:

"The primary area for viewshed protection is along the shared boundary with the Bel Voi Property to the east, a property containing a house and grounds of historic and cultural significance. This property is designated as Sub-Area 16 (Bel Voi Preservation Area) and specifically states that adjoining development "shall provide appropriate mitigation measures (e.g., buffers, architectural features) to further protect the historic home." Lots along public streets C and D will be in close proximity to the shared boundary with Bel Voi and the current plan shows a +/- 49-foot buffer to be provided. Neither this buffer nor plans to provide screening landscaping are currently proffered."

Berryville Community Development Director's response:

The developer has included the buffer and landscaping as a proffer (see attached), resolving this concern.

Clarke County Planning Director's Comment:

"The applicant has provided proffers pertaining to public water, public sewer, and stormwater management. I will defer to Town Staff on whether the applicant has complied with this element."

Berryville Community Development Director's response:

The Town's engineer has reviewed the elements of the proposed development regarding these systems. The proposed development, including the rezoning, satisfies Town requirements and meets established best management practices for public water, public

sewer, and stormwater management. Final design of public improvements will be included in a preliminary subdivision submission.

Clarke County Planning Director's Comment:

"The applicant has provided cash proffers to address the development's impacts on the school system and public park facilities... I will defer to the Town Staff as to whether the amount of cash proffers and methodology for calculating them is consistent with the BAP and Town policies."

Berryville Community Development Director's response:

The applicant consulted the Clarke County Schools and calculated the proffer based on the formula provided by the school system. Likewise, the cash proffer for Town parks has been calculated accurately.

Clarke County Planning Director's Comment:

"Regarding Proffer #12, the applicant proffers to place open space within existing OSR zoning to be "provided with a Conservation Easement to be established with the subdivision record Plat." This language is vague as to the nature of the conservation easement to be provided specifically as to the term of the easement and the easement holder...If the land is intended to be a permanent conservation easement, the proffer should include language that it will be placed into easement with a duly-authorized easement holder."

Berryville Community Development Director's response:

The Town's position is that the Master Plan for the subject lot, which includes property to be rezoned as well as property to remain in its existing zoning, can be protected from future change by covenants and HOA regulations that provide for maintenance and preservation needs without placing the OSR zoned portion of the lot in a conservation easement. This addresses any conservation easement-specific concerns. In addition, the conditional rezoning of the lot and the associated Master Plan will be subject to the requirements of the Zoning Ordinance and enforced by the Zoning Administrator. No substantial changes to the approved plans can be approved administratively. Changes would need to be amended by action of the Town Council. The location and size of lots, the configuration of streets, location and characteristics of landscaping, trails, recreation facilities, and other features would be part of the Council approval and enforced through the Zoning Ordinance.

Clarke County Planning Director's Comment:

"The applicant's agent, David McElhaney, provided a memo dated February 19, 2026 which offers a different interpretation of BAP Table 12. Based on his analysis, the applicable sub-areas should be able to yield more dwelling units than those noted in Table 12 and therefore not require the use of unused dwelling units or compliance with the BAP's master plan recommendations.

It is important to note that Table 12 is an integral and important part of the BAP. In order to consider any numbers that are different from those in Table 12, the BAP would have to be amended to reflect those numbers. This amendment process requires review and recommendation by the Berryville Area Development Authority (BADA), review and

approval by Town Council and Board of Supervisors, and public hearing before all three bodies. It should also be noted that “piecemeal” amendments to address specific issues or to accommodate a development project are strongly discouraged in the BAP (see page IV-1).”

Berryville Community Development Director’s response:

In his memorandum dated February 19, 2026 (attached), David T. McElhaney, PE, noted that the applicant prepared a detailed topographic and boundary survey. According to BAP, Sub-area 15 has one-third of its area as slopes greater than 15 percent with a portion exceeding 25 percent. The applicant conducted a slope analysis and found that only about 2.1 acres of slope between 15 and 25 percent and .28 acres of slopes over 25 percent. His analysis proves that development yield based on the slopes criteria would yield 138 units rather than 112 units in Table 12 of the BAP. The applicant is proposing only 134 units.

Clarke County Planning Director’s Comment:

(11/10/2025) “The application in its current form does not conform to the BAP and should be denied. It does not meet the master plan development criteria set forth in the BAP to warrant rezoning to DR-4 and designation of 25 additional units. In the event that the developer modifies the application to conform to the master plan development criteria, conditional zoning should be used so that recommended improvements and other elements may be provided as proffered conditions”.

(3/19/2026) “While the applicant has made progress in providing proffered conditions and changes to the development plan, the application does not conform to the BAP’s recommendations. For the reasons stated above [*and summarized in this report*], it does not meet the master plan development criteria set forth in the BAP to warrant rezoning to DR-4 and designation of 25 additional units.”

Berryville Community Development Director’s response:

The criteria listed in the BAP and reiterated by Clarke County’s Planning Director in the two memos, discussed above, have all been addressed by the applicant developer. The developer has included all elements requested, reflecting them on the plans and in the proffers. Furthermore, the applicant’s analysis of slopes on the property proves that the criteria used to determine the number of units listed in Table 12 of the BAP was erroneous. The applicant’s slope analysis demonstrates that Table 12 should have permitted 138 units rather than 112 units. The applicant is proposing 134 units, therefore they are not requesting that any additional units be approved from the bank of units not developed in other Sub-areas.

Planning Commission

The Planning Commission held a work session with the applicant on February 24, 2026. It set a public hearing for its meeting on March 24, 2026. The public hearing was held in March and the rezoning request was deferred to May 26, 2026. The Planning Commission held a public hearing on May 26, 2026. Commission Parker made a motion, seconded by Mr. Gilpin, that the Planning Commission of the Town of Berryville recommend that the Town Council deny the rezoning request. The Commission voted 6-1 in favor of the motion. Mr. Steinmetz abstained.

Schedule/Deadlines

The rezoning application was accepted on September 25, 2025. Section 508.9 of the Berryville Zoning Ordinance requires that the Town Council shall act upon any amendment (rezoning) within one (1) year unless the applicant requests or consents to action beyond such period. The applicant has agreed to extending the action period to the end of October 2026. It is recommended that the Town Council set a public hearing for its meeting to be held September 8, 2026 and take final action at its October 13, 2026 meeting.

Recommendation

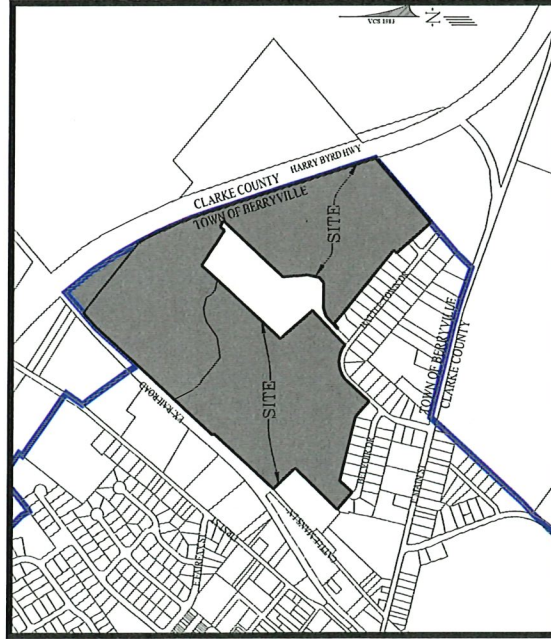
Set a public hearing for the subject rezoning request to be held on September 8, 2026.

Attachments:

	Page
Master Development and Rezoning Plan – June 10, 2026	10
Black Twig Street Concept	25
Proffers – June 10, 2026	26
Design Guidelines – June 2026	31
Development Yield Memo – February 19, 2026	54
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MASTER DEVELOPMENT AND REZONING PLAN BATTLETOWN RUN

TOWN OF BERRYVILLE
CLARKE COUNTY, VIRGINIA
SUBJECT PARCELS: TAX MAP # 14-A-80, AND #14-A-112



VICINITY MAP

SCALE: 1"=500'

DEVELOPER/APPLICANT
CHRISTOPHER LAND LLC
10461 WHITE GRANITE DRIVE
SUITE 250
OAKTON, VIRGINIA 22174
(703) 332-5950



CIVIL ENGINEER
URBAN, LTD
7712 LITTLE RIVER TURNPIKE
ANNANDALE, VA 22005
(703) 642-8680



TRANSPORTATION ENGINEER
GALLOWAY & COMPANY, LLC
12150 MONUMENT DRIVE, SUITE 502,
FAIRFAX, VA 22033
(571) 366-6680



OWNER
FRIANT ENTERPRISES #1 LLC
FRIANT ENTERPRISES #2 LLC
FRIANT ENTERPRISES #3 LLC
1504 EARLE ROAD
CHARLES TOWN, WV 25414

REAL ESTATE CONSULTANT
TETRA CORPORATION
117 S. LOUDOUN STREET
WINCHESTER, VA 22601



urban

7712 Little River Turnpike
Annandale, VA 22005
TEL: 703.642.8680 FAX: 703.642.8551
www.urban-ltd.com



Project Name
BATTLETOWN RUN

MASTER DEVELOPMENT
AND REZONING PLAN
Town of Berryville
Clarke County, Virginia

Issue	Revised	By	For
1. COVER SHEET			
2. NOTES & DETAILS			
3. EXHIBIT SHOWING LIMITS OF APPLICATION			
4. EXISTING CONDITIONS			
5. MASTER DEVELOPMENT PLAN			
6. OPEN SPACE PLAN			
7. UTILITY PLAN			
8. EXISTING ZONING PLAN			
9. PROPOSED ZONING PLAN			
10. EXISTING LAND USE PLAN			
11. PROPOSED LAND USE PLAN			
12. COMPREHENSIVE PLAN DENSITY COMPUTATIONS			
13. CONCEPTUAL LANDSCAPE PLAN			
14. CONCEPTUAL LIGHTING PLAN			
15.			

- SHEET INDEX
- COVER SHEET
 - NOTES & DETAILS
 - EXHIBIT SHOWING LIMITS OF APPLICATION
 - EXISTING CONDITIONS
 - MASTER DEVELOPMENT PLAN
 - OPEN SPACE PLAN
 - UTILITY PLAN
 - EXISTING ZONING PLAN
 - PROPOSED ZONING PLAN
 - EXISTING LAND USE PLAN
 - PROPOSED LAND USE PLAN
 - COMPREHENSIVE PLAN DENSITY COMPUTATIONS
 - CONCEPTUAL LANDSCAPE PLAN
 - CONCEPTUAL LIGHTING PLAN

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VA STATE GRID

Center Point:

Drawn By:

SS

Checked By:

DM

Project No.

Date

June 10, 2025

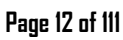
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COVER SHEET

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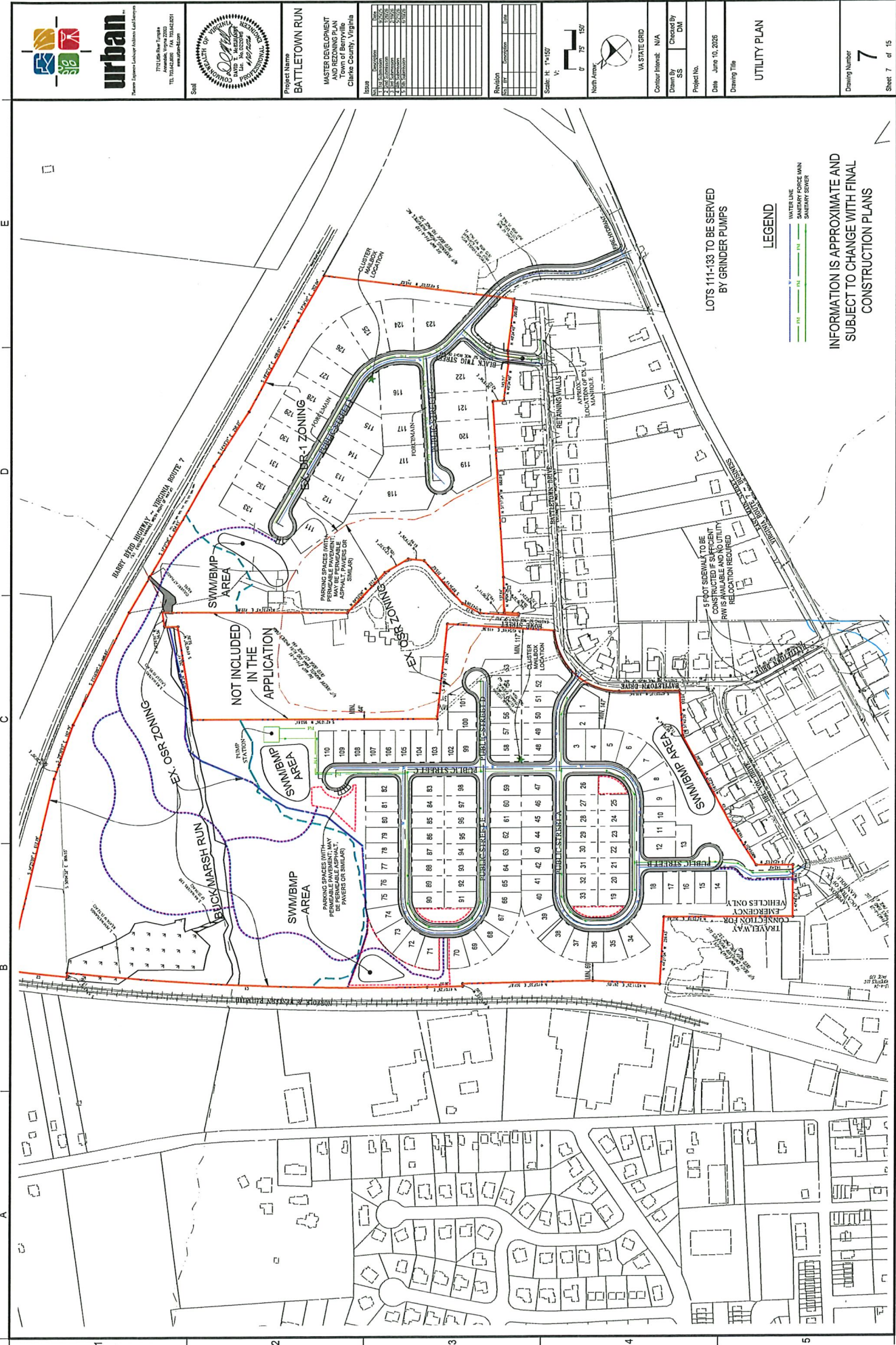
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Sheet 1 of 15





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7700 Lee Avenue, Suite 100
Falls Church, VA 22044
TEL: 703.291.1100 FAX: 703.291.1101
www.urbanva.com

Seal

OFFICE OF THE
CHAIRMAN
BUREAU OF PLANNING
AND ZONING
CLARKE COUNTY, VIRGINIA

Project Name
BATTLETOWN RUN

MASTER DEVELOPMENT
AND REZONING PLAN
TOWN OF BATTLETOWN
CLARKE COUNTY, VIRGINIA

Issue	Date	By	For
1. Initial Submission	10/1/2020	Urban	Clarke County
2. Public Hearing	10/1/2020	Urban	Clarke County
3. Final Approval	10/1/2020	Urban	Clarke County

Revision

Rev	Date	Description
1	10/1/2020	Initial Submission

Scale: 1" = 150'

North Arrow

V.A. STATE GRID

Colour: N/A

Drawn By: SS

Checked By: DM

Project No.

Date: June 10, 2020

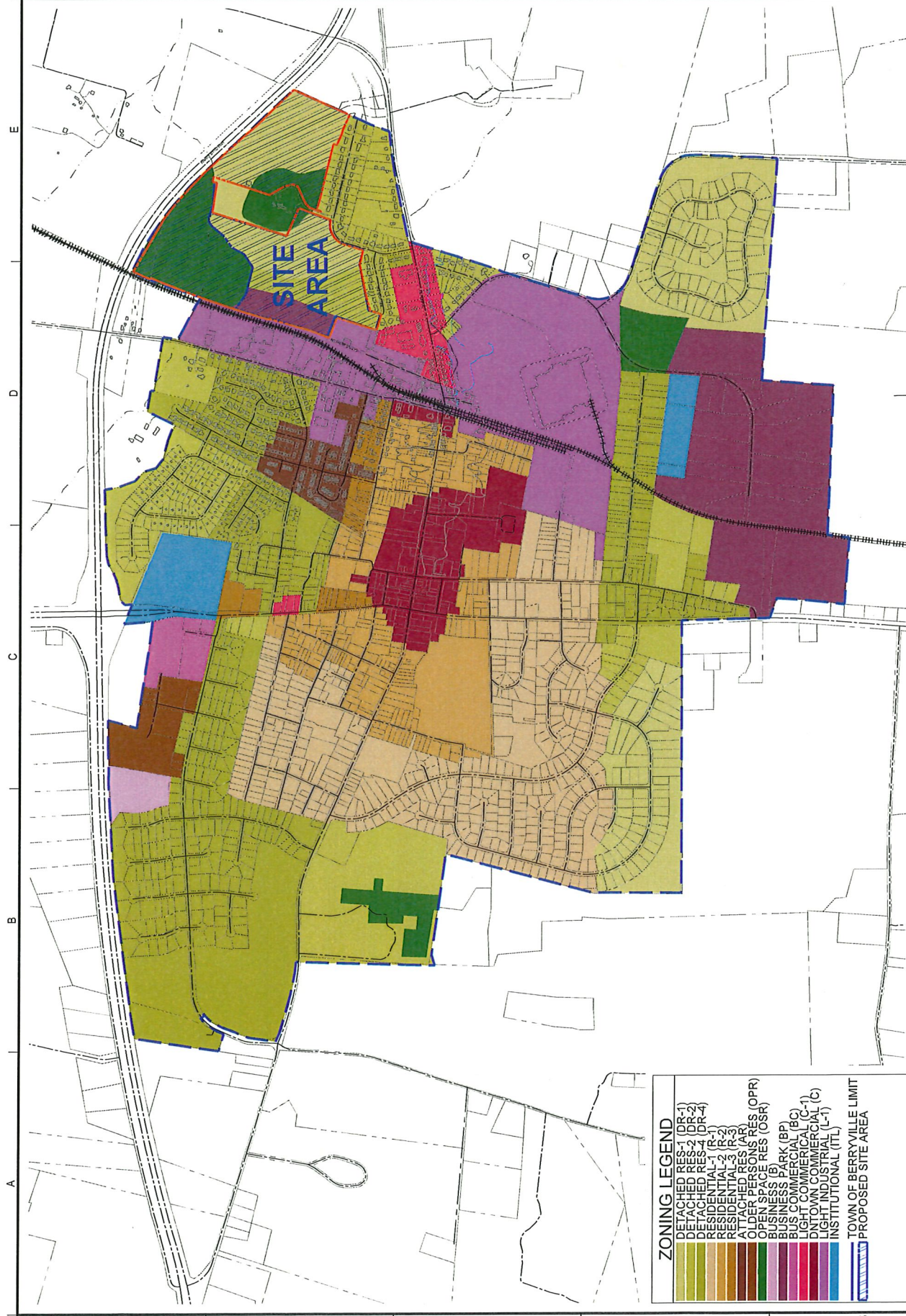
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UTILITY PLAN

Drawing Number
7

Sheet 7 of 15





ZONING LEGEND

- DETACHED RES-1 (DR-1)
- DETACHED RES-2 (DR-2)
- DETACHED RES-3 (DR-3)
- DETACHED RES-4 (DR-4)
- RESIDENTIAL-1 (R-1)
- RESIDENTIAL-2 (R-2)
- RESIDENTIAL-3 (R-3)
- RESIDENTIAL-4 (R-4)
- ATTACHED RES (AR)
- OLDER PERSONS RES (OPR)
- OPEN SPACE RES (OSR)
- BUSINESS PARK (BP)
- BUSINESS COMMERCIAL (BC)
- LIGHT COMMERCIAL (C-1)
- DOWNTOWN COMMERCIAL (C)
- LIGHT INDUSTRIAL (L-1)
- INSTITUTIONAL (ITL)
- TOWN OF BERRYVILLE LIMIT
- PROPOSED SITE AREA



urban

7710 Lake View Circle
Tulsa, Oklahoma 74133
TEL: 918.438.0000 FAX: 918.438.0001
www.urbaninc.com

Seal



Project Name
BATTLETOWN RUN

MASTER DEVELOPMENT
AND REZONING PLAN
Town of Berryville
Clarke County, Virginia

Issue	Date	By	For
1. Initial	10/1/2003	David L. Harrison	Clarke County, Virginia
2. Final	10/1/2003	David L. Harrison	Clarke County, Virginia

Revision	By	Date	Description
1	David L. Harrison	10/1/2003	Initial
2	David L. Harrison	10/1/2003	Final

Scale: H: 1"=500'



North Arrow



VA STATE GRID

Contour Interval: N/A

Drawn By: SS

Checked By: DM

Project No.

Date: June 10, 2005

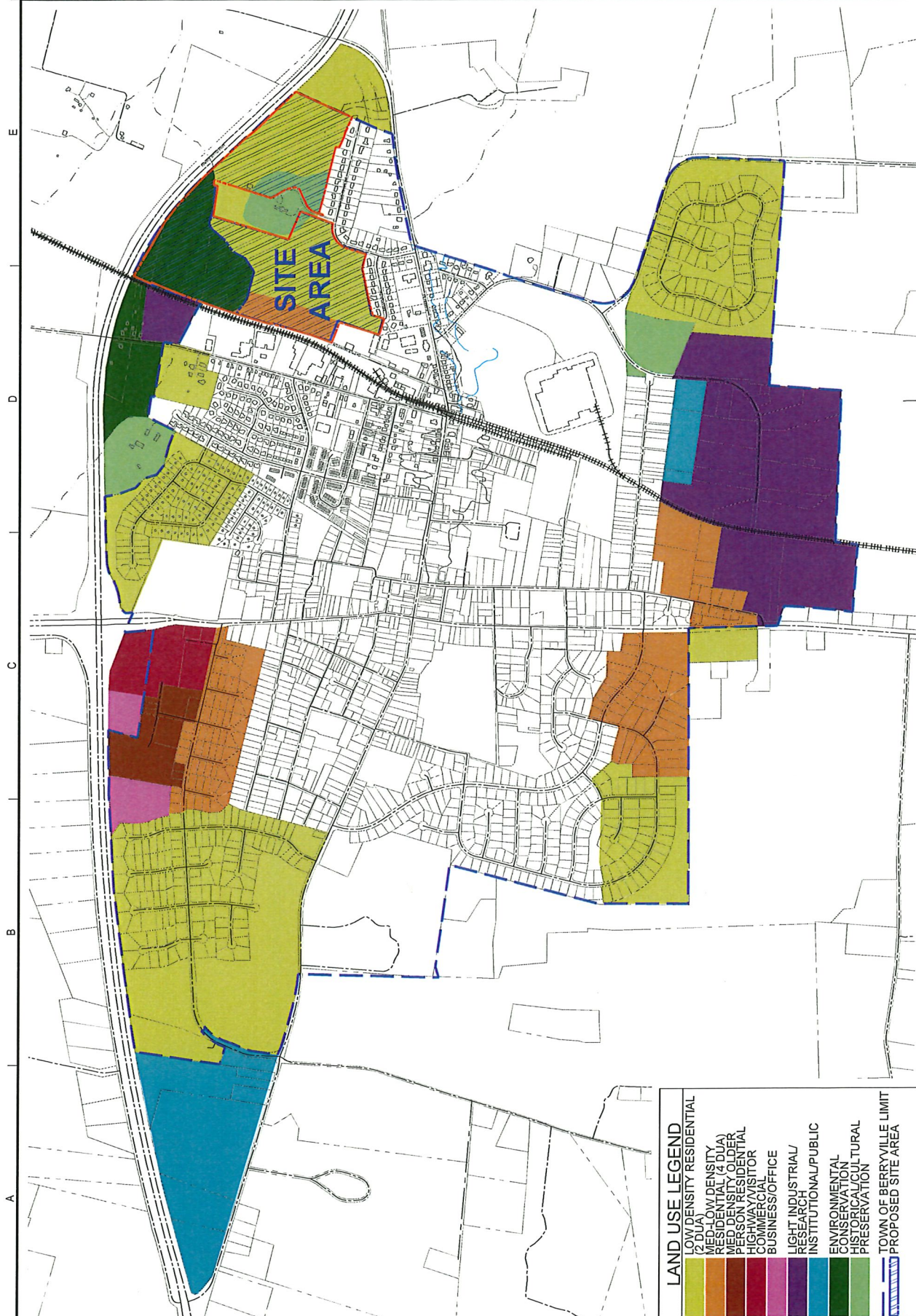
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**EXISTING
LAND USE
PLAN**

Drawing Number

10

Sheet 10 of 15



LAND USE LEGEND

- LOW DENSITY RESIDENTIAL (R-1)
- MEDIUM DENSITY RESIDENTIAL (R-2)
- MEDIUM DENSITY RESIDENTIAL (R-3)
- MEDIUM DENSITY RESIDENTIAL (R-4)
- MEDIUM DENSITY RESIDENTIAL (R-5)
- HIGHWAY VISITOR
- COMMERCIAL
- BUSINESS/OFFICE
- LIGHT INDUSTRIAL/RESEARCH
- INSTITUTIONAL/PUBLIC
- ENVIRONMENTAL CONSERVATION
- HISTORICAL/CULTURAL PRESERVATION
- TOWN OF BERRYVILLE LIMIT
- PROPOSED SITE AREA



urban

7711 Lake View Circle
Tulsa, Oklahoma 74133
TEL 918.438.0805 FAX 918.438.0801
www.urbaninc.com



Project Name
BATTLETOWN RUN
MASTER DEVELOPMENT
AND REZONING PLAN
Town of Berryville
Clarke County, Virginia

Issue	Date	Description
1	06/10/2025	Initial
2	06/10/2025	Revised
3	06/10/2025	Revised
4	06/10/2025	Revised
5	06/10/2025	Revised
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Scale: H: 1"=500'
V: 1"=500'
North Arrow

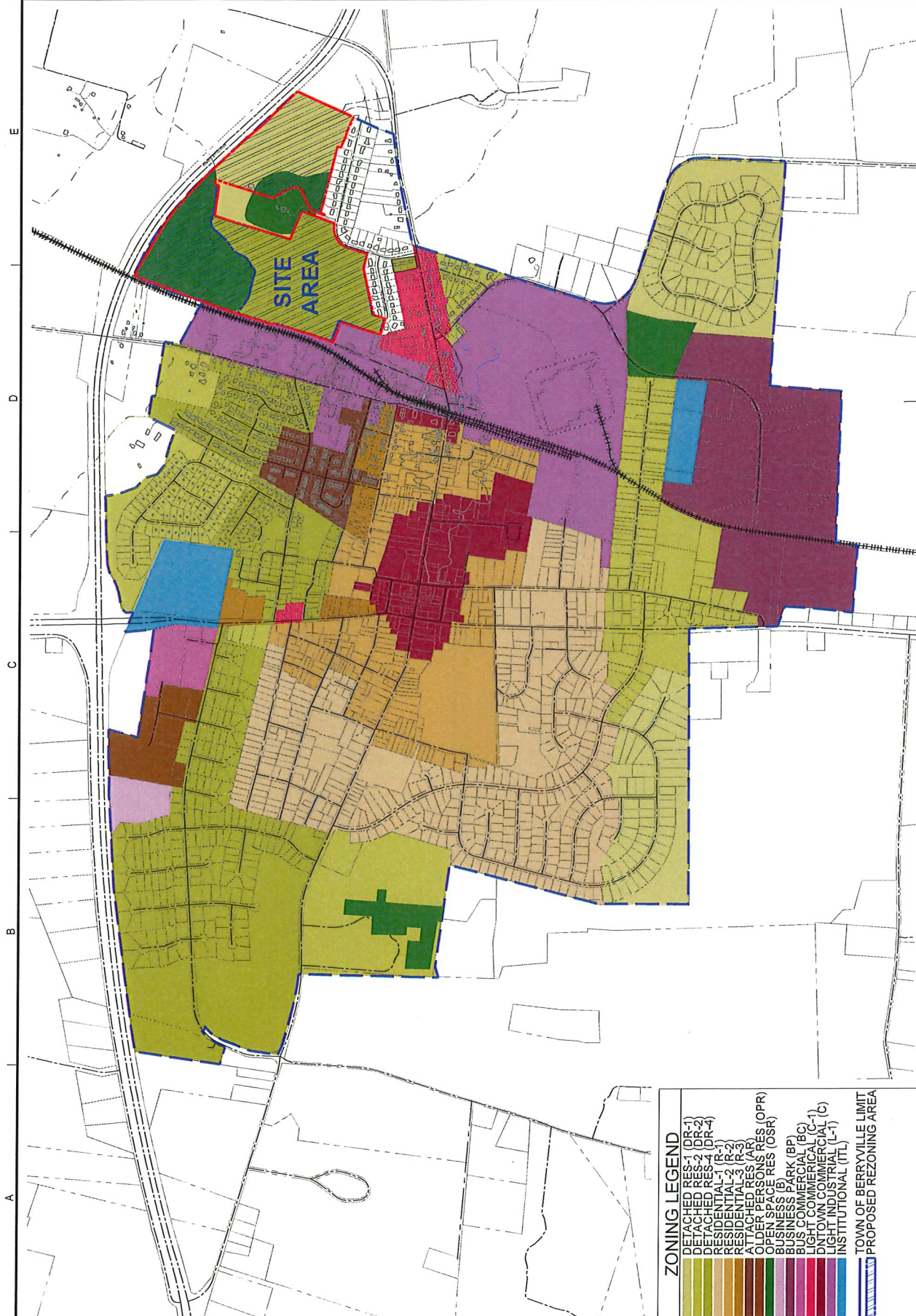


VA STATE GRID
Contour Interval: N/A
Drawn By: SS
Checked By: DM

Project No.
Date: June 10, 2025
Drawing Title

**PROPOSED
ZONING PLAN**

Drawing Number
11
Sheet 11 of 15



ZONING LEGEND	
[Green]	DETACHED RES-1 (DR-1)
[Light Green]	DETACHED RES-2 (DR-2)
[Yellow]	DETACHED RES-3 (DR-3)
[Orange]	DETACHED RES-4 (DR-4)
[Light Orange]	RESIDENTIAL-1 (R-1)
[Red]	RESIDENTIAL-2 (R-2)
[Dark Red]	RESIDENTIAL-3 (R-3)
[Purple]	ATTACHED RES (AR)
[Dark Purple]	OLDER PERSONS RES (OPR)
[Blue]	OPEN SPACE RES (OSR)
[Light Blue]	BUSINESS PARK (BP)
[Dark Blue]	BUS COMMERCIAL (BC)
[Pink]	LIGHT COMMERCIAL (C-1)
[Light Pink]	DNTOWN COMMERCIAL (C)
[Light Yellow]	LIGHT INDUSTRIAL (L-1)
[Light Green]	INSTITUTIONAL (ITL)
[Blue Line]	TOWN OF BERRYVILLE LIMIT
[Red Line]	PROPOSED REZONING AREA



urban

Urban Planning & Design

7710 Lee River Parkway
TEL 703.436.0000 FAX 703.436.0001
www.urbanplanning.com



Project Name
BATTLETOWN RUN

MASTERS DEVELOPMENT
AND REZONING PLAN
Town of Berryville
Clarke County, Virginia

Issue	Revised	By	Date
1. Initial Design			
2. Final Design			
3. Final Design			
4. Final Design			
5. Final Design			
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20. Final Design			

Revision	By	Date	Description
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Scale: H: 1"=500'



North Arrow

VA STATE GRID

Contour Interval: N/A

Drawn By: SS

Checked By: DM

Project No.

Date: June 10, 2005

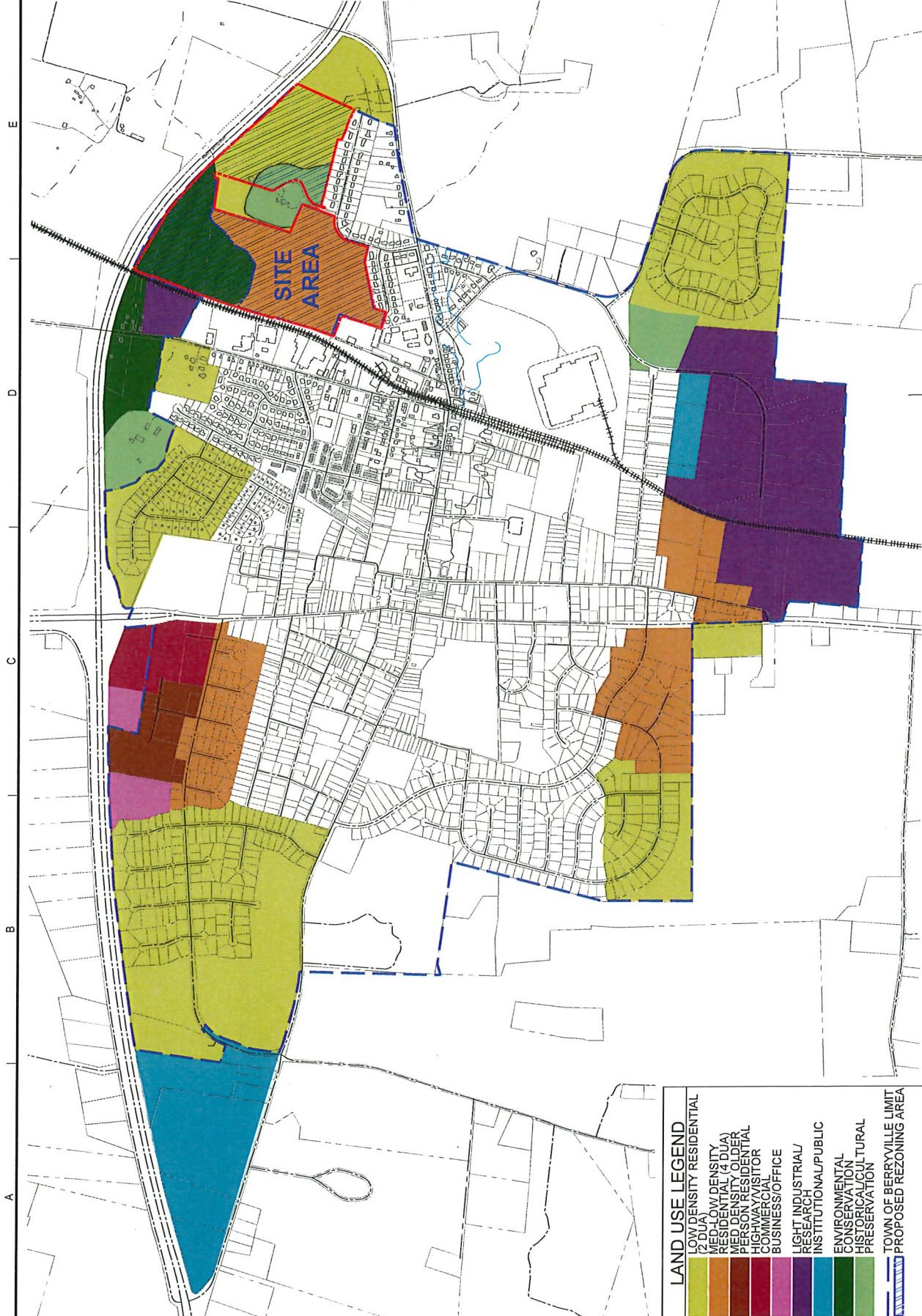
Drawing Title

PROPOSED LAND USE PLAN

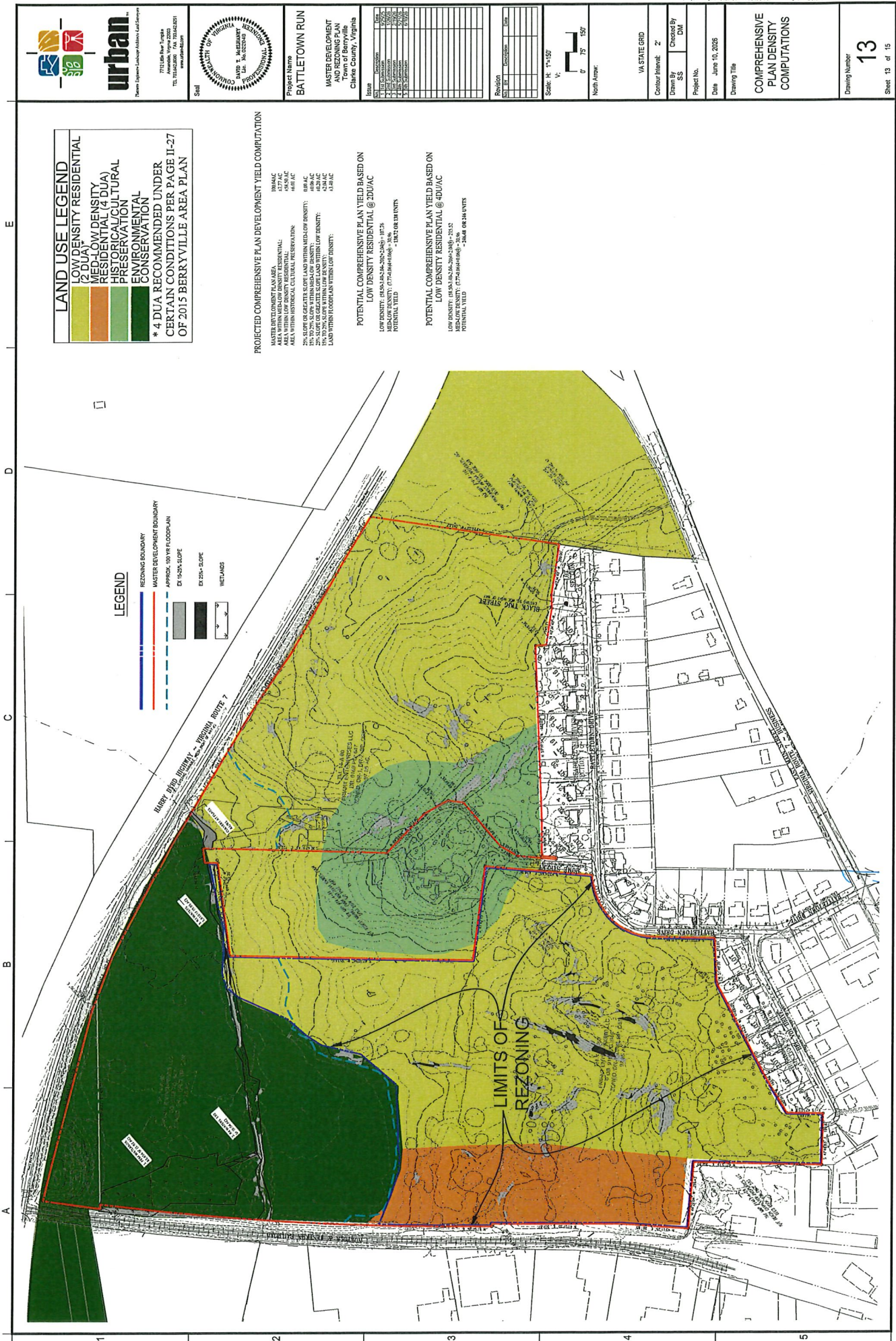
Drawing Number

12

Sheet 12 of 15



LAND USE LEGEND	
[Light Green]	LOW DENSITY RESIDENTIAL
[Yellow]	MEDIUM DENSITY RESIDENTIAL (4 DUA)
[Orange]	MEDIUM DENSITY OLDER PERSON RESIDENTIAL
[Red]	HIGHWAY/VISITOR COMMERCIAL
[Purple]	BUSINESS/OFFICE
[Dark Purple]	LIGHT INDUSTRIAL/RESEARCH
[Blue]	INSTITUTIONAL/PUBLIC
[Light Blue]	ENVIRONMENTAL CONSERVATION
[Green]	HISTORICAL/CULTURAL PRESERVATION
[Dashed Line]	TOWN OF BERRYVILLE LIMIT
[Solid Line]	PROPOSED REZONING AREA



LAND USE LEGEND

- LOW DENSITY RESIDENTIAL (2 DU/A)
- MEDIUM DENSITY RESIDENTIAL (4 DU/A)
- HISTORICAL/CULTURAL PRESERVATION
- ENVIRONMENTAL CONSERVATION

*** 4 DU/A RECOMMENDED UNDER CERTAIN CONDITIONS PER PAGE II-27 OF 2015 BERRYVILLE AREA PLAN**

PROJECTED COMPREHENSIVE PLAN DEVELOPMENT YIELD COMPUTATION

MASTER DEVELOPMENT PLAN AREA:
AREA WITHIN 10% SLOPE: 1,179 AC
AREA WITHIN 2% SLOPE: 463 AC
AREA WITHIN HISTORICAL/CULTURAL PRESERVATION: 108 AC
AREA WITHIN ENVIRONMENTAL CONSERVATION: 424 AC
TOTAL AREA: 2,174 AC

POTENTIAL COMPREHENSIVE PLAN YIELD BASED ON

LOW DENSITY RESIDENTIAL @ 2 DU/A
LOW DENSITY: 1,179 AC @ 2 DU/A = 2,358 UNITS
MEDIUM DENSITY: 463 AC @ 4 DU/A = 1,852 UNITS
POTENTIAL YIELD: 4,210 UNITS

POTENTIAL COMPREHENSIVE PLAN YIELD BASED ON

LOW DENSITY RESIDENTIAL @ 4 DU/A
LOW DENSITY: 1,179 AC @ 4 DU/A = 4,716 UNITS
MEDIUM DENSITY: 463 AC @ 8 DU/A = 3,704 UNITS
POTENTIAL YIELD: 8,420 UNITS

LEGEND

- REZONING BOUNDARY
- MASTER DEVELOPMENT BOUNDARY
- APPROX. 10% SLOPE
- APPROX. 2% SLOPE
- WETLANDS

7712 Lee River Parkway
TOLSON, VA 22448-2001
TEL: 703.442.0000 FAX: 703.442.0001
www.urban.com

Seal of the Commonwealth of Virginia

Project Name: **BATTLETOWN RUN**

Master Development
and Rezoning Plan
Town of Berryville
Clarke County, Virginia

Issue	Revised	Revised By	Revised Date
1. Initial Issue	11/11/2010	Urban	11/11/2010
2. Final Issue	11/11/2010	Urban	11/11/2010

Scale: H: 1"=150'
V: 1"=150'

North Arrow

VA STATE GRID

Contour Interval: 2'

Drawn By: SS
Checked By: DM

Project No.

Date: June 10, 2008

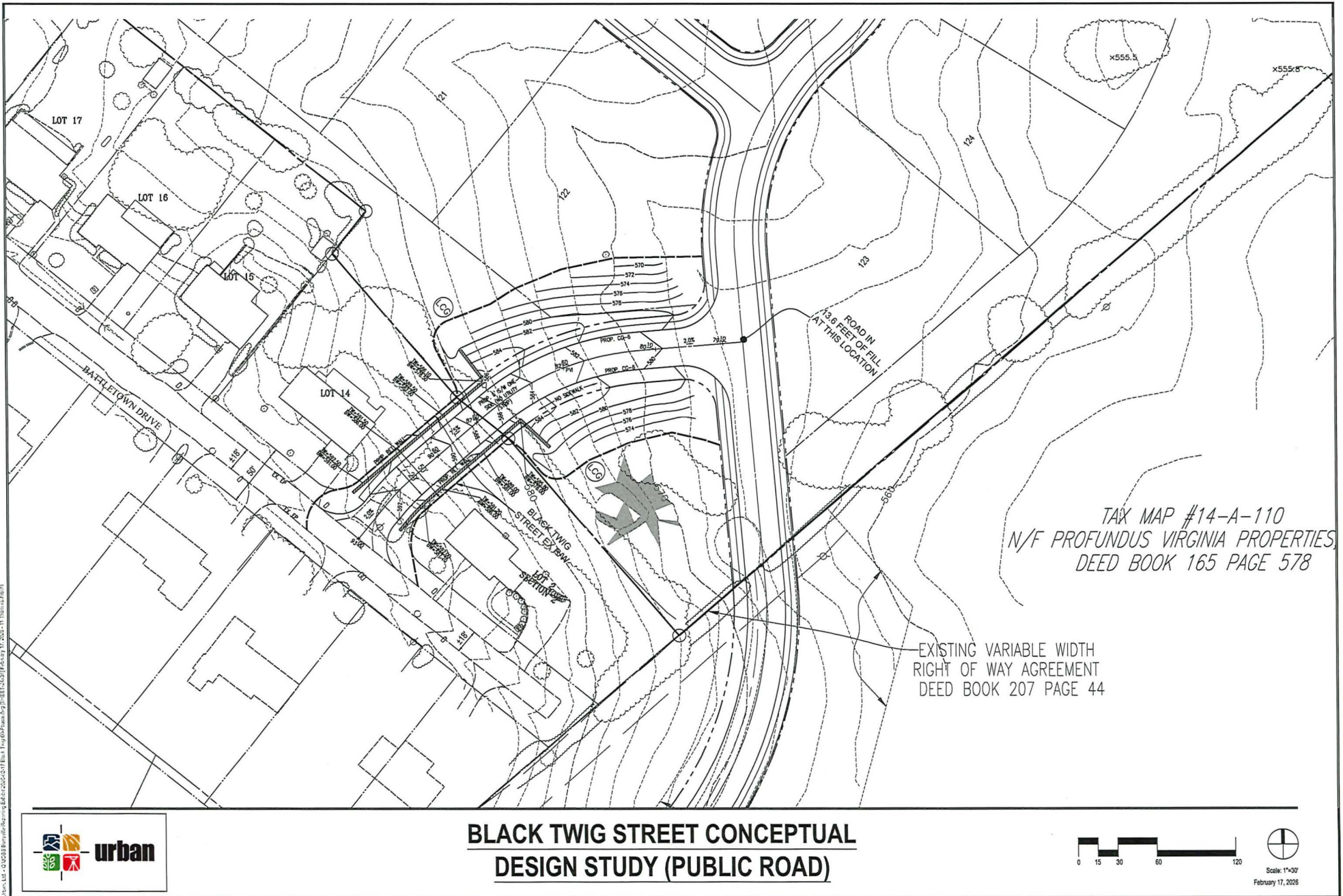
Drawing Title

**COMPREHENSIVE
PLAN DENSITY
COMPUTATIONS**

Drawing Number: **13**

Sheet 13 of 15





PROFFER STATEMENT

MASTER DEVELOPMENT PLAN: Detached Residential

RZ# _____

PROPERTY: Tax Map Parcel: #14-A-80, and #14-A-112 (the "Property")

RECORD OWNERS: Friant Enterprises #1, Friant Enterprises #2, and Friant Enterprises #3
(the "Owner")

APPLICANT: Christopher Land, LLC (the "Applicant")

DATE: June 10, 2026

The undersigned Owner hereby proffers that the use and development of the above-referenced parcel, which is requested to be rezoned, shall be in strict conformance with the following conditions, which shall supersede all other proffers on the Property that may have been made prior hereto. In the event that the above-referenced conditional rezoning is not granted as applied for by the Owner, these proffers shall be deemed withdrawn and shall be null and void.

Further, these proffers are contingent upon final rezoning of the Property 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 Owner elects 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 Property adjacent to or including the improvement or other proffered requirement, unless otherwise specified herein. Any proffered conditions that would prevent the Owner from conforming with State and/or Federal regulations shall be considered null and void. The term "Owner" as referenced herein shall include within its meaning all future Owners and successors in interest. When used in these Proffers, "MDRP" shall refer to the plan entitled "Master Development and Rezoning Plan Battletown Run" dated June 10, 2026 and shall include the following:

1. LAND USE:

1.1 Residential development of the proposed rezoned Property shall be limited to a maximum of 110 single-family detached dwelling units in accordance with the requirements of the Town's Zoning Ordinance and Subdivision Ordinance. The overall development shall be limited to 134 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 is twenty eight percent (28%) of the entire parcel subject to the rezoning which is generally 11.4 +/- acres as shown on the MDRP. The overall

gross open space area (inclusive of floodplain area) for the Property to be provided is approximately 54.8 acres which is fifty-four-point eight percent (54.8%) of the entire property.

1.3 The Property shall be developed in general conformance with the MDRP subject to minor modifications upon the time of final engineering.

1.4 The applicant reserves the right to adjust boundary and/or lot lines with adjacent parcel (Tax Map #14-A-81) to allow for the preservation of the existing barn located on the western edge of the eastern land bay in exchange for potential future easements that will benefit the project and the Town. Both the applicant and the Town agree that the MDRP far exceeds the open space requirements. Any lot line adjustments will not infringe upon the Towns minimum open space requirements.

2. SITE DEVELOPMENT:

2.1 Prior to the issuance of the 55th occupancy permit of the rezoned portion of the property, the Applicant shall deliver a tot-lot and workout stations which shall be installed on the Property in general conformance with the MDRP and design guidelines.

2.2 Prior to the issuance of the 55th occupancy permit of the rezoned portion of the property, the Applicant shall deliver a public trail system which shall be installed on the Property and the adjacent residual parcel to the north and east in general conformance with the MDRP and design guidelines.

2.3 If rock blasting is necessary for site development, it shall be conducted by a certified blaster in strict accordance with all federal, state, and local regulations.

3. CREATION OF HOMEOWNERS' ASSOCIATION:

3.1 The Property 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 area that may be established in accordance herewith not dedicated to the Town, 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 trails that are on the MDRP.

4. SCHOOLS & PARKS:

4.1 The Applicant shall make a proffer contribution for the rezoned portion of the property in the amount of \$62,000 (\$2,000 x 31 school students) for the excess of students generated by the by right development. Said funds shall be payable to the Town of Berryville but may be transferred by the Town of Berryville to Clarke County.

4.2 The Applicant shall make a proffer contribution for the rezoned portion of the property in the amount of \$9,254.19 (\$84.13 x 110 units) to offset the projects impact on Town park facilities.

5. WATER & SEWER:

5.1 The Applicant shall be responsible for connecting the Property to public water and sewer and for constructing all facilities required for such connection. All water and sewer infrastructure (including pump station, grinder pumps and force mains) 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 sewage lines as well as any sewage pump stations (including grinder pumps) constructed on the Property, 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 Property shall be provided in accordance with Virginia Stormwater Management Regulations and in conformance with the MDRP. Additional stormwater management facilities may be proposed if determined necessary at time of final design.

7. TRANSPORTATION:

7.1 Design of the roadway system shall be generally consistent with the final approved MDRP. 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 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.

7.3 All sidewalks shall be constructed in accordance with the Town's Zoning Ordinance, Subdivision Ordinance and the MDRP and in the general locations as shown on the MDRP 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 four percent (4%) per year, non-compounded.

9. EXCLUSION OF PUBLIC PROPERTY FROM PROFFERS:

9.1 Any portion of the Property 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. CONSTRUCTION ACTIVITY CONTACT INFORMATION

11.1 Prior to commencement of construction on the property, the adjacent property owners will be provided with the name, title, phone number, and email address of a person to whom comments and/or complaints regarding construction activities may be directed. Correspondence shall be sent by U.S. Mail, return receipt requested.

11.2 In addition, prior to the commencement of construction on the Property, a sign with the contact information specified above shall be posted on the Property and shall be updated and retained on the Property through all construction activities.

12. PRESERVATION EASEMENT:

12.1 Within the areas located identified as "OPEN SPACE WITHIN EX OSR ZONING" On Sheet 6 of the MDRP, the Applicant will preserve healthy trees provided, however, the trees may be removed to the extent necessary for the construction of trails, passive recreation, stormwater management and utilities that are required pursuant to approved construction plans as necessary for the development of the property. Such areas will be provided with a Preservation Easement to be established with the subdivision Record Plat.

13. TRAIL PUBLIC ACCESS EASEMENT

13.1. The Applicant shall provide a public access easement over the area identified on Sheet 08 of the MDRP as "PROPOSED PUBLIC TRAIL" for non-motorized use by members of the public.

14. OFFSITE SIDEWALK IMPROVEMENTS TO BE BUILT AND ESCROW ESTABLISHED

14.1 The applicant shall construct a sidewalk on the west side of Battletown Drive from East Main Street to the limits of the subject property as long as sufficient Right of Way exists and no utility relocation is required. In any areas that sufficient Right of Way does not exist and/or utilities need to be relocated, the applicant will escrow up to \$50,000.00 (final amount to be determined at time of final engineering) to be used by the Town towards the future construction of the sidewalk. The escrow shall be established no later than the 50th occupancy permit. Should the escrow not be used by the Town within 5 years of it being established, it shall be returned in full to the entity that established the escrow. Prior to the issuance of the 55th occupancy permit of the rezoned portion of the property, the Applicant shall deliver the offsite sidewalk improvements that can legally be completed.

15. BINDING EFFECT:

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

BATTLETOWN Run

DESIGN GUIDELINES

JUNE 2026

PREPARED BY:



urban

FOR:



CHRISTOPHER[®]
COMPANIES

QUALITY BY DESIGN



T.E.T.R.A.
CORPORATION



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- 6. Achieved Design Elements

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- 15. Residential Landscape and Hardscape Guidelines
- 16. Screening Plan
- 17. Plant Palette
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- 7. Vehicular Transportation
- 8. Pedestrian Walkability
- 9. Street and Trail Details

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 - Design Guidelines - Eastern Landbay
- 21. Architectural Features
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- 11. Open Space Plan
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OVERVIEW

PROJECT LOCATION

Battletown Run is a thoughtfully planned single-family residential community proposed in the northeastern-most portion of the Town of Berryville in Clarke County, Virginia. The community will provide 134 residential lots while preserving more than 29% of the rezoned property as open space. Over 50% of the overall development will be open space which will support both conservation goals and a high quality of life for future residents. Strategically located with easy access to Route 7 and only minutes from downtown Berryville, Battletown Run offers convenient proximity to essential amenities, services, and public schools within 2 to 3 miles. This location strengthens the connection between new housing opportunities and the Town's existing infrastructure and community assets.



BASIS OF DESIGN

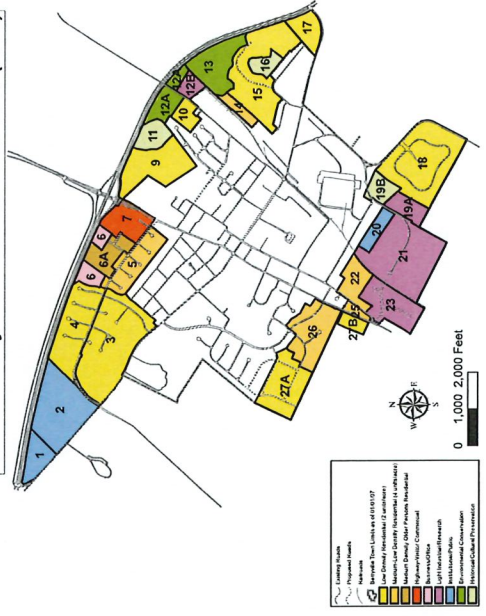
Enhanced Transportation and Connectivity – The community design incorporates roadway and access improvements that strengthen connectivity to the Town's transportation network, ensuring safe and efficient circulation for residents and emergency services.

Cluster Development Approach – Homes are arranged in a clustered pattern to minimize infrastructure demands, reduce long-term public service costs, and preserve significant open space, thereby aligning with smart growth & environmental stewardship objectives.

Pedestrian-Friendly Design – A comprehensive system of sidewalks and trails is proposed to promote walkability, encourage healthier lifestyles, and provide safe, accessible routes that connect residents to open spaces and community amenities.

Viewshed and Scenic Resource Protection – The plan preserves key visual corridors and natural features, protecting the community's rural character and maintaining the scenic quality valued by Clarke County residents & visitors.

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



The Town of Berryville is uniquely positioned to provide urban-level services as Clarke County's primary designated growth area for both residential & business uses. With the support of a comprehensive master plan that addresses all relevant planning elements, the proposed residential area can appropriately accommodate medium-low density development at a target of 4 units/ac. Pedestrian connection between the west & east sides of the community can be provided through the existing parcels.

The Battletown Run development plan has been carefully crafted to reflect and implement the guiding principles of the Berryville Area Plan (the Plan). This Plan, jointly developed by Clarke County and the Town of Berryville, was established to balance the protection of natural resources, historic landscapes, and agricultural lands with the Town's role as the County's designated growth center. Within this framework, the Plan provides specific recommendations for sub-areas. The Battletown Run property encompasses Sub-areas 13, 14, 15, and a part of 16:

Sub-area 13 is identified for environmental conservation, which has been incorporated directly into the Battletown Run plan through preserved open spaces and resource protection.

Sub-areas 14 and 15 are designated for medium-low (2–4 units/ac.) and low-density (1–2 units/ac.) residential development, respectively. However, the Plan clearly acknowledges that both areas may support medium-low density (up to 4 units/ac) residential development under a cohesive master plan that integrates Sub-areas 13, 14, and 15. The Plan further emphasizes that unused residential density from other growth areas should be considered for application within Sub-area 15, making Battletown Run an ideal location to absorb this capacity in a planned, responsible manner.

Sub-area 16, portion under separate ownership, is designated for historical and cultural preservation. The Plan recognizes that connectivity between the east and west sides of Sub-area 15 is a known challenge, which can be resolved with the future development of the Bel Voi parcel by others.

In summary, Battletown Run delivers a cohesive master plan that directly advances the Berryville Area Plan's objectives by:

- Preserving sensitive environmental areas.
- Establishing a compact, walkable, and connected neighborhood form.
- Supporting efficient provision of urban services within the Town's primary growth boundary.
- Responsibly accommodating planned residential density consistent with the County's adopted growth policies.

This coordinated approach not only meets the intent of the Plan but also strengthens Berryville's role as the County's focal point for growth while ensuring long-term protection of surrounding rural and agricultural lands.

PROJECT SUMMARY

The Battle Town Run community has been designed using a clustered development approach that minimizes infrastructure demands while preserving significant environmental resources. This design strategy allows development to be concentrated in appropriate areas, while maintaining large portions of the property as permanent open space, consistent with Town planning objectives.

A walkable community framework has been prioritized. All residential streets will be built with sidewalks, ensuring safe pedestrian movement throughout the neighborhood. Beyond the streetscape, a public trail system will weave through the preserved open space areas, creating opportunities for recreation, connectivity, and access to natural resources.

Open space preservation is a defining feature of the plan. The majority of the site, when including both the rezoning and by-right plans, will remain open space, with select areas thoughtfully programmed for active and passive recreation to serve residents of all ages.

Modern infrastructure will be provided. Each home will be served by public water and sanitary sewer, while on-site stormwater management systems will be implemented to meet regulatory requirements and protect downstream resources.

LEGEND

- LIMITS OF REZONING
- SUBJECT PROPERTY



ACHIEVED DESIGN ELEMENTS

GOALS:

1. TRANSPORTATION & CONNECTIVITY

- Battletown Run is designed to strengthen the Town's transportation network by providing a new access point. The primary entrance will extend from Battletown Drive and incorporate road improvements, ensuring safe and efficient traffic flow. This new entrance will improve circulation within the Town and maintaining the secondary street network envisioned in the Berryville Area Plan. Battletown Drive will also be connected to the Eastern Landbay via the construction of Black Twig Street. The Eastern Landbay will also be connected to East Main Street.
- Plan Alignment:* The Berryville Area Plan (Chapter 2, Section C) emphasizes the need for linkages to and through Battletown Subdivision and adjacent sub-areas, while also calling for additional access options to Sub-area 15. Battletown Run plan directly fulfills this requirement.

3. WALKABILITY & TRAILS

- All residential streets in Battletown Run will include sidewalks, providing approximately 2.79 miles of safe pedestrian pathways. In addition, a trail system approximately 1 mile will extend through the preserved open space, creating a comprehensive pedestrian circulation network that enhances recreation and accessibility.
- Plan Alignment:* The Berryville Area Plan (Chapter 1, Section D) highlights the importance of walkable communities, noting benefits such as healthier and more active residents, reduced transportation costs, improved air quality, and increased economic activity. Battletown Run fully embraces this vision by delivering an interconnected, pedestrian-friendly neighborhood.

5. MASTER PLANNING FOR UTILITIES & STORMWATER

- Battletown Run will be fully served by public water and sanitary sewer, consistent with the Town's role as the primary growth area. On-site stormwater management will be achieved through strategically located ponds, ensuring regulatory compliance and long-term protection of downstream resources.

6. PROFFERS & MITIGATION OF DEVELOPMENT IMPACTS

- As outlined in the proffer statement, Battletown Run includes cash proffers to help address Town needs, ensuring that the costs of new growth are responsibly offset by developer contributions.

2. CLUSTER DESIGN TO REDUCE INFRASTRUCTURE COSTS & ADVERSE ENVIRONMENTAL IMPACTS

- The Battletown Run neighborhood is designed as a clustered community, reducing infrastructure demands while preserving sensitive natural resources and drainage ways. The proposed density of 1.34 DU/AU reflects the Plan's call for medium-low density residential development at 4 units per acre, consistent with Sub-area 15's potential.
- Plan Alignment:* The Berryville Area Plan (Chapter 2, Section C) encourages cluster development to protect environmental areas, increase land efficiency, and reduce infrastructure costs. The Plan further notes that unbuilt residential density from Annexation Area B should be considered for Sub-area 15—supporting Battletown Run's proposed density.

4. VIEWSHED PROTECTION

- Battletown Run has been carefully designed to protect the highly visible landscape along Route 7. The majority of development is located more than a quarter-mile from the corridor. In areas where homes are closer, the property's natural topography and additional evergreen screening will preserve scenic views and mitigate visual impacts.
- Plan Alignment:* The Berryville Area Plan (Chapter 2, Section C) specifically identifies the Route 7 Bypass viewshed as requiring careful siting. Battletown Run addresses this requirement by combining natural terrain with landscape screening to preserve the County's scenic character.

In summary, the Battletown Run master plan directly implements the Berryville Area Plan by:

- Expanding safe and efficient transportation linkages.
- Preserving environmental resources through clustered design.
- Establishing a robust walkability and public trail system.
- Protecting key scenic viewsheds.
- Delivering urban-level services in the designated growth area.
- Mitigating impacts through proffers.

Battletown Run reflects the balanced growth strategy envisioned jointly by The Town of Berryville—strengthening the Town as the growth center while safeguarding the rural and historic character that defines the surrounding

VEHICULAR TRANSPORTATION

The Battletown Run community shall be designed with a well-connected internal street network that supports safe and efficient two-way vehicular circulation while accommodating on-street parking to enhance neighborhood character and convenience. To ensure strong integration with the Town's overall transportation system, the development shall include an entrance point connecting the community to the rest of the existing surrounding neighborhood along Battletown Drive.

- LEGEND**
- ● ● EXISTING STREETS
 - PROPOSED RESIDENTIAL STREET
 - PROPOSED CONNECTION
 - == EMERGENCY CONNECTION



PEDESTRIAN WALKABILITY

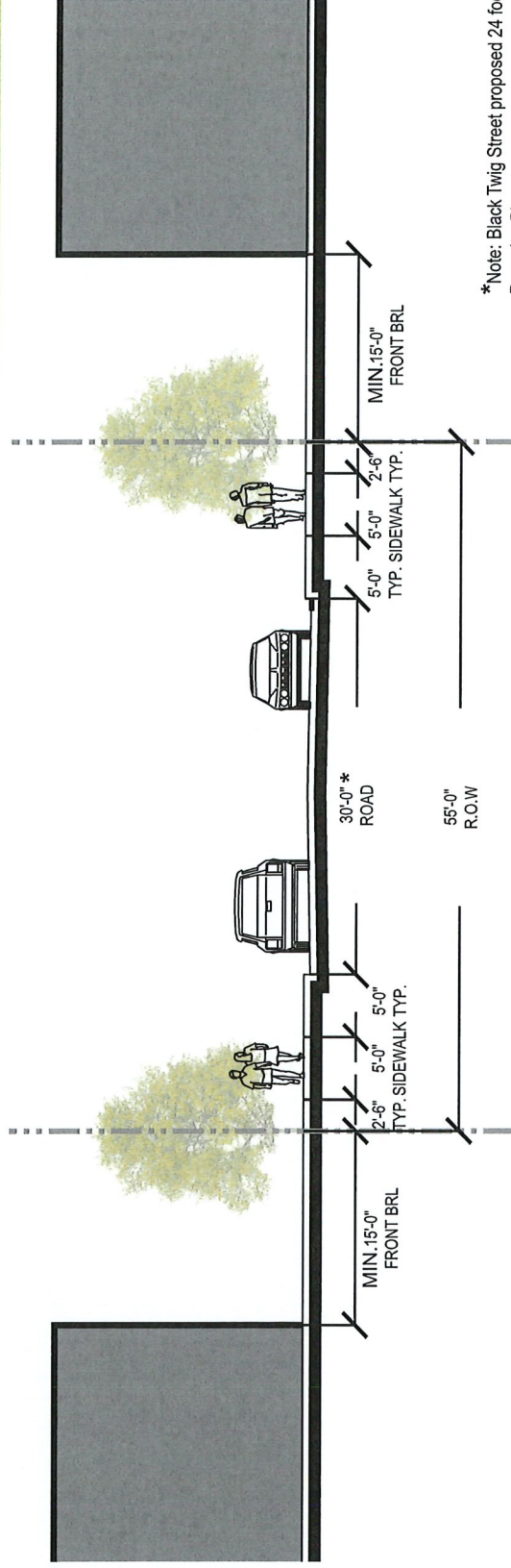
The internal residential streets of Battletown Run shall be designed with sidewalks on both sides, ensuring safe and continuous pedestrian access throughout the community. In addition, sidewalks, trails, and similar pedestrian connections shall link residential areas to community amenities and recreational features located within designated open spaces. The open space network shall be further enhanced by a system of interconnected internal trails, providing multiple routes and access points that encourage public use, strengthen connectivity, and promote an active, walkable neighborhood environment.

- LEGEND**
- PROPOSED SIDEWALK
 - PROPOSED PUBLIC TRAIL
 - ERSCROW FOR SIDEWALK

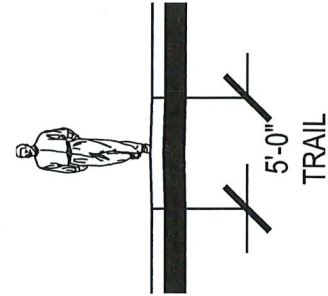


STREET AND TRAIL DETAILS

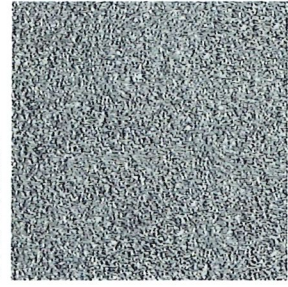
RESIDENTIAL STREETS All internal residential streets shall be designed as 50-foot public rights-of-way, incorporating sidewalks to ensure safe, convenient, and accessible pedestrian circulation throughout the community. Sidewalks shall connect to open space areas, trails, and adjoining neighborhoods to promote walkability and support a cohesive, interconnected community fabric.



TRAILS A system of public trails shall supplement the sidewalk network to expand recreational opportunities and provide public access connections to designated open space areas. Trails shall be a minimum of 5 feet in width and may utilize a range of high-quality surface materials—including natural stone dust, asphalt, mulch, concrete, pavers, or similar materials—selected to balance durability, accessibility, and the desired character of the trail environment.



STONE DUST



ASPHALT



NATURAL

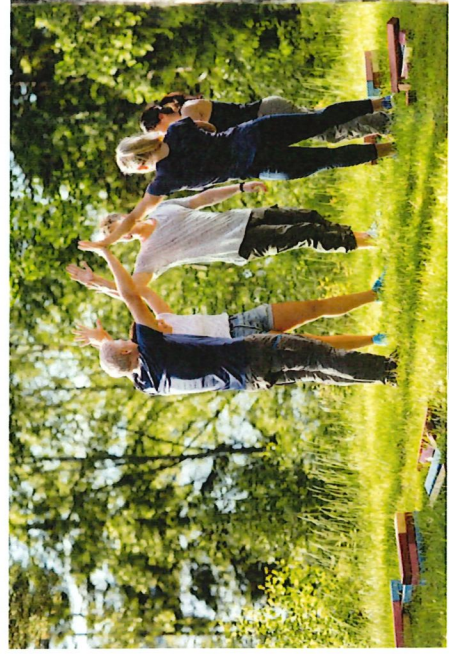
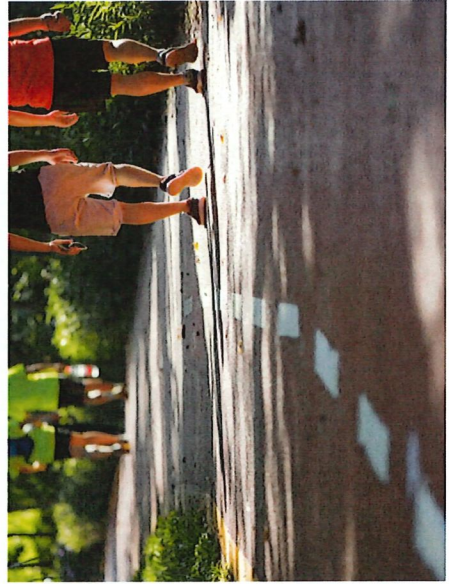
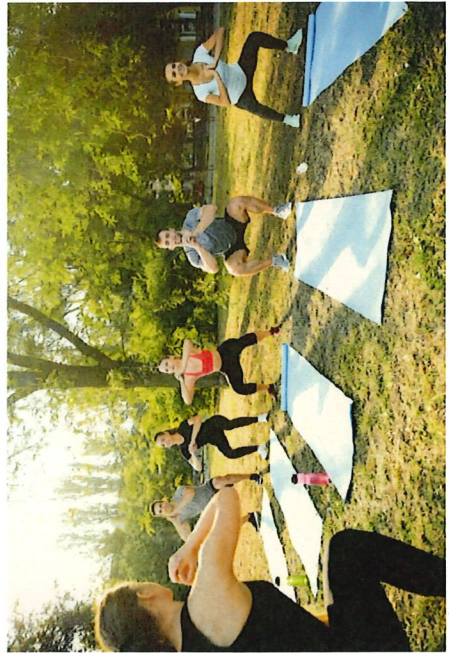
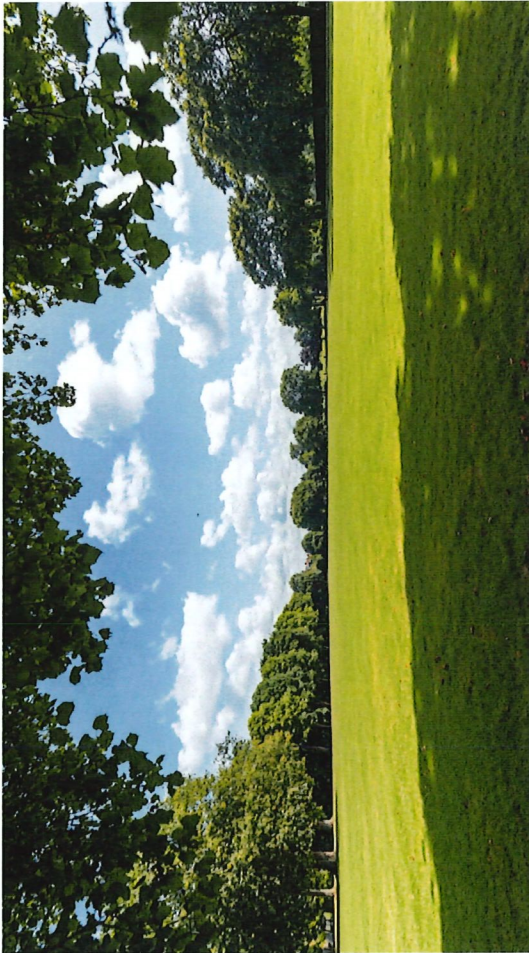


MULCH



OPEN SPACE AREA

To uphold the cluster design principles established in the Master Plan, the majority of the Battletown Run community shall be preserved and enhanced as open space. These areas shall serve as both conservation and community functions, protecting natural resources while offering residents meaningful opportunities for recreation. Select portions of the open space shall be thoughtfully programmed with amenities that support a balance of active and passive recreational uses for all ages. Public access to these amenities shall be provided through a connected trail system that links seamlessly to the internal public street network, ensuring accessibility, walkability, and integration with the overall neighborhood design.



urban

JUNE 2026

10

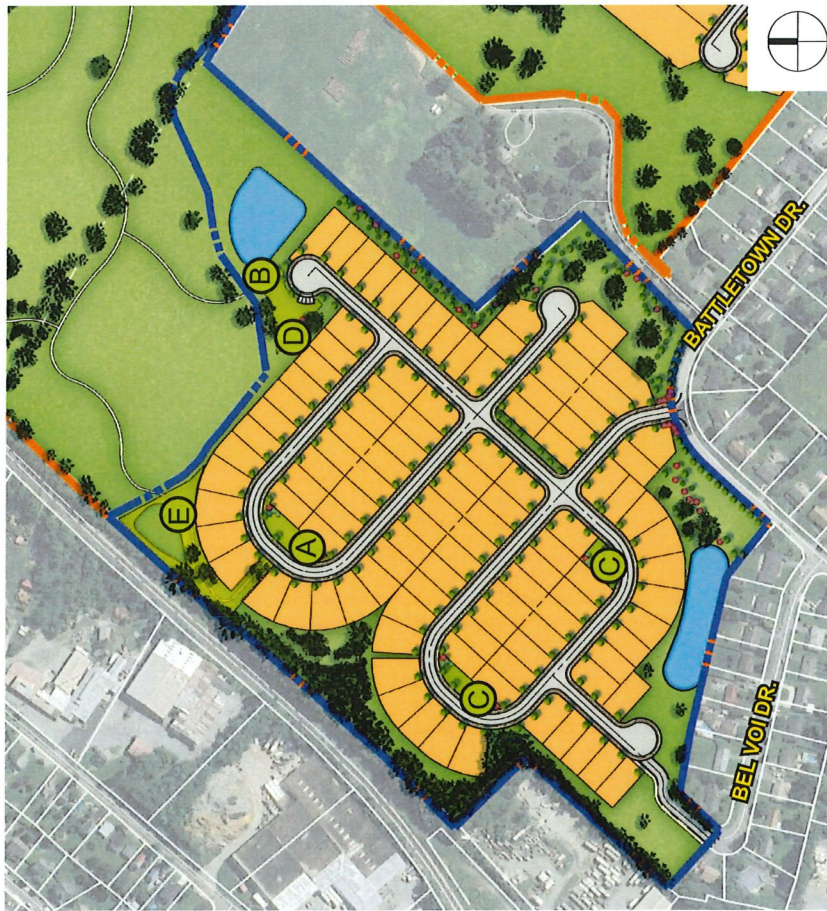
OPEN SPACE PLAN

LEGEND

- OPEN SPACE WITHIN EX. DR-1 ZONING
- OPEN SPACE WITHIN PROPOSED DR-4 ZONING
- OPEN SPACE WITHIN EX. OSR ZONING
- AMENITY SPACE



OPTIONAL OPEN SPACE AMENITIES - WESTERN LANDBAY



A Playground: The Playground acts as a central hub for children to explore their surroundings in a healthy and safe environment. The playground equipment shall be intentionally selected to promote creativity and physical fitness for ages 5-12. The materials selected shall be complimentary to the surrounding architecture.



B Fire Pits & Pavilion: Fire Pits will be proposed within an open space area, facing a wooded buffer, allowing users to enjoy a quiet evening or afternoon with friends around the fire.



C Passive Park: Has space for users to have picnics, birdwatch, and enjoy nature.



D Dog Park: The enclosed Dog Park includes seating and open space for users.



E Exercise Equipment: Exercise equipment will be proposed along the trail for users to enjoy cardio and strength training outdoors.



OPTIONAL OPEN SPACE AMENITIES - EASTERN LANDBAY



Fire Pits & Seating: Fire Pits are suggested within an open space area central to Eastern Landbay area homes allowing users to enjoy a quiet evening or afternoon with friends around the fire as well as physical activities such as yoga.



LANDSCAPE STANDARDS

1. PLANTING DESIGN GUIDELINES AND GENERAL REQUIREMENTS

- A. Landscape material selections shall respond to the surrounding architecture and shall reinforce and define the public open space within the site. In general, street tree species shall correspond to the specific street type they are located on. This will help define the overall hierarchy of street connections and create clear pedestrian and vehicular zones. Overall, landscape selections will be based on year round interest, the ecology of the site, the need to define spaces, and the theme of the design.
- B. Plants shall be selected based on their ultimate height, width, and growth habit in relation to the space where they will be planted. When planted adjacent to buildings, plantings should not obscure the building's architectural features.
- C. To the extent possible, regional indigenous species are to be integrated into the planting designs.
- D. Plant materials shall be resistant to disease and damage by deer and other fauna of the area.
- E. There shall be a diverse mix of plant species to avoid monoculture and ensure seasonal interest. No more than 33% of plantings shall be of any one species.
- F. Non-native species may be used in high visibility areas (e.g. entrance features, adjacent to buildings), however invasive and aggressively spreading species are not permitted.
- G. All plant beds shall be fully prepared as per the plan specifications.
- H. Minimum Plant Size:
 Street/Shade Trees: 2" cal.
 Ornamental Trees: 1.5" cal.
 Evergreen Trees: 6' height
 Shrubs: 18" - 24"

2. EXISTING VEGETATION

- A. General Guidelines: Existing stands of vegetation shall be preserved whenever possible.
- B. Buffer Credits: Existing vegetation may be used to meet landscape buffer requirements. To be credited, existing vegetation stands must meet the buffer width requirement and be in good health. Existing buffer areas shall be supplemented where necessary with planted trees and shrubs to achieve the minimum number of trees and shrubs required.

3. STREET TREES

- A. General Requirements: Shade trees shall be planted as street trees along all rights-of-way within the project area.
- B. Spacing: Shade trees shall be planted at a minimum, one tree approximately every 50 feet with the centerline of the roadway as the basis of measurement.

4. RESIDENTIAL LANDSCAPING

Landscape plantings for individual homes should consist of a limited variety of trees, shrubs, and groundcovers to create an attractive well organized cohesive landscape. Shrubs and groundcovers should be planted in masses of a single species or cultivar in sufficient numbers to create beds or drifts of plants.



RESIDENTIAL LANDSCAPE AND HARDSCAPE GUIDELINES

LANDSCAPING

Lot landscaping and screening can add a lot of value and create an aesthetically pleasing streetscape throughout the community. The following guidelines shall be used:

- Foundation plantings must be included on every house prior to occupancy.
- Lots with walk-out basements or exposed foundations shall include some landscaping to break up large architecture planes.
- Columnar or taller evergreens shall be used to “soften” the architecture.

FENCES

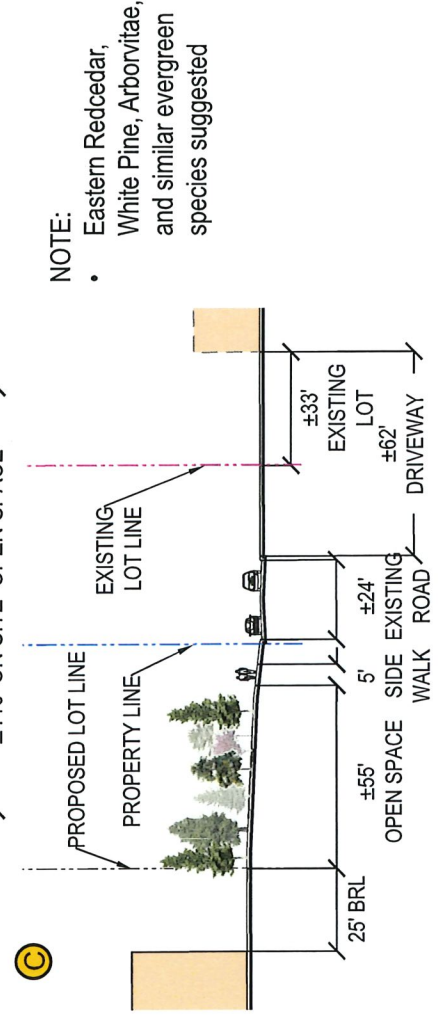
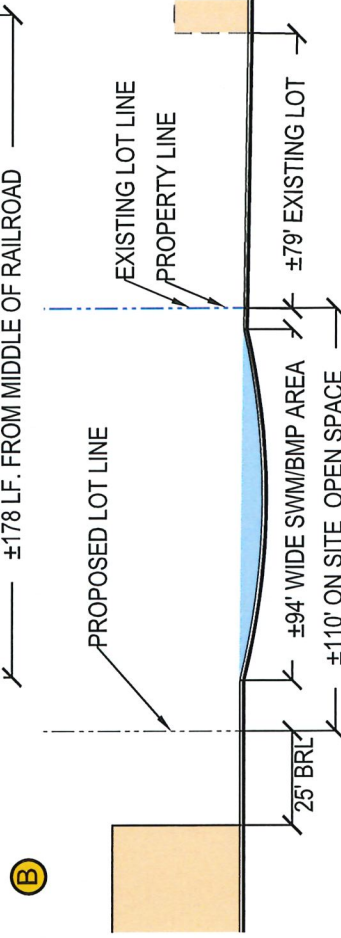
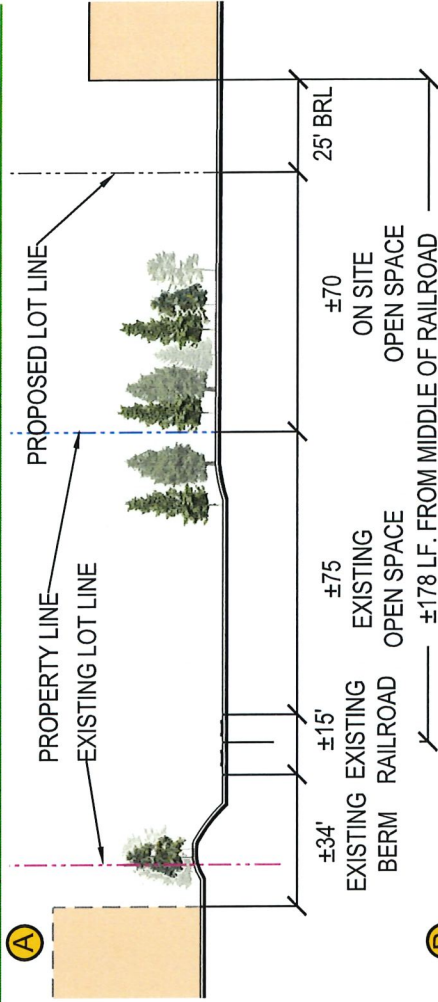
Fences will be permitted within the Battletown Run community but must follow the guidelines below:

- Fence material shall be treated wood, vinyl, wrought iron or aluminum.
- Vertical vinyl covered black picket fencing is permitted.
- Maximum fence height shall be six (6) feet, not including lattice.
- Side yard fencing shall be a minimum of four (4) feet behind the front plane of the house.
- Corner lot fencing layout shall not extend beyond the front plane of the house on the perpendicular street.
- No front yard fencing shall be allowed.

HVAC EQUIPMENT & GENERATORS

- HVAC & generators shall be placed in the rear yard whenever possible.
- HVAC & generators shall be screened from view of the street or adjacent lots with a fence or opaque landscape screen.
- No equipment shall be placed on the side of the house that abuts two public streets.

SCREENING PLAN



NOTE:

- Eastern Redcedar, White Pine, Arborvitae, and similar evergreen species suggested

PLANT PALETTE

DECIDUOUS TREES

SCIENTIFIC NAME	COMMON NAME
<i>Quercus falcata</i>	Southern Red Oak
<i>Quercus phellos</i>	Willow Oak
<i>Nyssa sylvatica</i>	Blackgum
<i>Acer saccharum</i>	Sugar Maple

EVERGREEN TREES

SCIENTIFIC NAME	COMMON NAME
<i>Ilex opaca</i>	American Holly
<i>Juniperus virginiana</i>	Eastern Redcedar
<i>Pinus strobus</i>	Eastern White Pine
<i>Thuja occidentalis</i>	Arborvitae

ORNAMENTAL TREES

SCIENTIFIC NAME	COMMON NAME
<i>Cercis canadensis</i>	Redbud
<i>Crataegus phaenopyrum</i>	Washington Hawthorn
<i>Malus angustifolia</i>	Southern Crabapple

SHRUBS

SCIENTIFIC NAME	COMMON NAME
<i>Aquilegia canadensis</i>	Red Columbine
<i>Osmanthus americanus</i>	Devilwood
<i>Ilex glabra</i>	Inkberry
<i>Prunus laurocerasus</i> var. 'Otto Luyken'	Otto Luyken Cherrylaurel



AMERICAN HOLLY



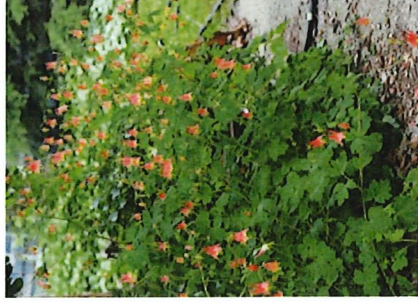
EASTERN RED CEDAR



SOUTHERN RED OAK



WILLOW OAK



RED COLUMBINE



DEVILWOOD



WASHINGTON HAWTHORN



REDBUD

NOTE: The species shown are representative of the desired characteristics of the trees that will be within the Battletown Run community and are not intended to be the entire list of species. Additional species may be added at time of final design.

OVERALL SITE AMENITIES

Outdoor furniture within active and passive amenity spaces shall be selected and designed to employ a unified and consistent aesthetic throughout the development. Matching benches, tables, chairs, bike racks, exercise equipment, playground equipment, trash receptacles, etc. are encouraged.



WASTE RECEPTACLES



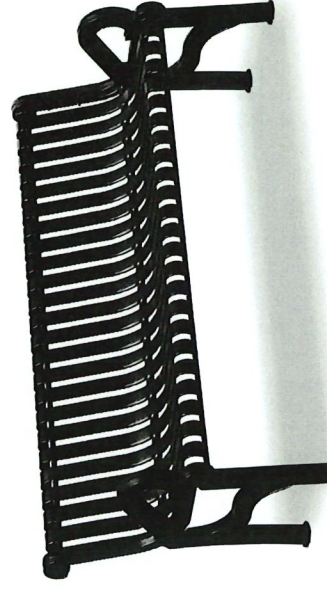
PET WASTE DISPOSAL



PEDESTRIAN LIGHTING



BIKE RACK



SEATING

FINAL BENCH CHOICE MAY BE
CONSTRUCTED OF METAL OR WOOD

Note: All images shown on this page are conceptual and are subject to change in the final design.

RESIDENTIAL ARCHITECTURE DESIGN GUIDELINES - WESTERN LANDBAY

Building design guidelines seek to create a distinct yet coherent architecture that will foster a unique identity for Battletown Run and form the backdrop to a rich street level experience. These guidelines will help distinguish the community, help define its character, and eventually raise its value in the marketplace. The following set of principles will be applied to each of the buildings, irrespective of its use or location.

1. Build in the tradition of simple yet elegant designs. Building architecture and elevations promote a more contemporary nature through the use of simple unifying roof and window lines and careful selection of materials. The building aesthetic should emerge from elevation components and building details rather than from mere ornamentation.

2. Use traditional, high quality and durable materials throughout the community: When walls are constructed of more than one material, changes in material shall be permitted along a horizontal or vertical line and should reinforce a base, middle and top for the building.

3. Variety. No more than three of nine continuous lots can be the same elevation. In addition, lots next to, across or across the street from each other cannot be the same elevation and color scheme. No identical color schemes for houses shall be repeated within three continuous lots.



4. Emphasize main entries of each home regardless of elevation. The main entrance to each home should be easily identifiable through the use of materials and forms.

5. Complimentary. Within the parameters of the principles as described herein, in addition to modern building practices and current market feasibility and projections, the architecture shall be complimentary, to the extent practical, to the architecture as typically found in the Town of Berryville.

Building walls shall be of the following materials:

- **Brick:** A variety of traditional brick colors and modules and bonding variations are encouraged.
- **Stone:** Stone veneers are permitted and shall be laid predominantly rectilinear stones in a horizontal pattern. Cast stone shall be permitted as sills, headers and accents.
- **Siding:** High quality vinyl or its equivalent is the prescribed siding material where brick or stone is not utilized. Aluminum siding is not permitted. A variance in color and texture is encouraged.

RESIDENTIAL ARCHITECTURE DESIGN GUIDELINES - EASTERN LANDBAY

Building design guidelines seek to create a distinct yet coherent architecture that will foster a unique identity for Battletown Run and form the backdrop to a rich street level experience. These guidelines will help distinguish the community, help define its character, and eventually raise its value in the marketplace. The following set of principles will be applied to each of the buildings, irrespective of its use or location.

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RESIDENTIAL ARCHITECTURE DESIGN GUIDELINES

ELEVATIONS & MATERIALS

Creating a unique and diverse streetscape throughout Battletown Run is a high priority. Therefore, limitations are placed on the frequency and location of elevations that can be used on adjacent lots.

The following guidelines shall be followed:

- Building elevations will be reviewed and approved by the developer prior to construction to ensure a cohesive theme throughout the community.
- No more than three out of every nine continuous lots can be the same elevation.
- Lots next to or across the street from each other cannot be the same elevation.
- No identical color schemes for houses shall be repeated within three consecutive lots.
- Accent materials shall be varied to create more differentiation between lots.
- Single level models shall add architectural features to the road facing roof to break up vast roof planes.
- Garage dominate elevations should utilize varying front yard setbacks and a mix of models and elevations to keep variety in the streetscape.
- Accessory structures exterior color must match the main color of the primary structure.
- All lead walks shall be broom finished concrete. Traditional, high-quality, and durable building materials shall be used throughout the community. Building materials shall meet all current Local, State, and Federal building codes and regulations.

WALK OUT BASEMENTS, EXPOSED FOUNDATIONS, & SLAB TREATMENT

Lots with walk out basements or exposed foundations, including front porch or stoops, shall be finished with an architectural CMU or stone material.

Approved finishes include:

- Patterned form-liner; must also be painted to compliment architecture color scheme
- Stone or brick; must match the material being used as water table treatment
- Split-faced CMU block; color of block must compliment architecture color scheme.

PARKING

All lots are to provide a minimum of two off-street parking spaces on a driveway with a minimum width and depth of 18 feet.

LOT DETAILS - WESTERN LANDBAY

DR-4 CLUSTER DEVELOPMENT STANDARDS - REZONED PROPERTY

MAXIMUM DENSITY, RESIDENTIAL USES:

4 DU/AC

SFD MINIMUM LOT SIZE:

7,500 SF

SFD MAXIMUM LOT SIZE:

20,000 SF

SFD MINIMUM LOT WIDTH:

60 FT, (75 FT CORNER LOT)

SFD MINIMUM SIDE YARD:

10 FT

SFD MINIMUM REAR YARD FOR PRIMARY STRUCTURE:

25 FT

SFD MINIMUM SIDE AND REAR YARD FOR ACCESSORY STRUCTURES:

5 FT

SFD MINIMUM FRONT YARD FOR PRIMARY STRUCTURE:

15 FT

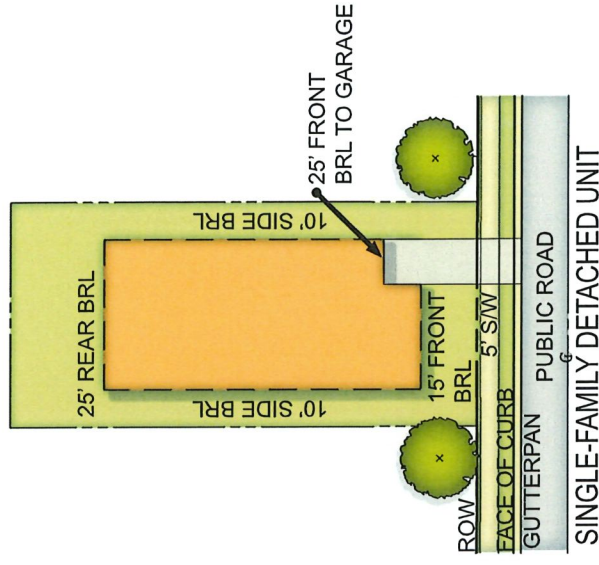
SFD MINIMUM FRONT YARD FOR GARAGES, CARPORTS, OR OTHER STRUCTURES FOR VEHICLES:

25 FT

MAXIMUM BUILDING HEIGHT:

35 FT

TYPICAL LOT



LEGEND



LARGE DECIDUOUS STREET TREES

LOT DETAILS - EASTERN LANDBAY

DR-1 CLUSTER DEVELOPMENT STANDARDS

MAXIMUM DENSITY, RESIDENTIAL USES:

SFD MINIMUM LOT SIZE:

SFD MAXIMUM LOT SIZE:

SFD MINIMUM LOT WIDTH :

SFD MINIMUM SIDE YARD:

SFD MINIMUM REAR YARD FOR PRIMARY STRUCTURE:

SFD MINIMUM SIDE AND REAR YARD FOR ACCESSORY STRUCTURES:

SFD MINIMUM FRONT YARD FOR PRIMARY STRUCTURE:

MAXIMUM BUILDING HEIGHT:

1 DU/AC

20,000 SF

45,000 SF

100 FT, (120 FT CORNER LOT)

15 FT

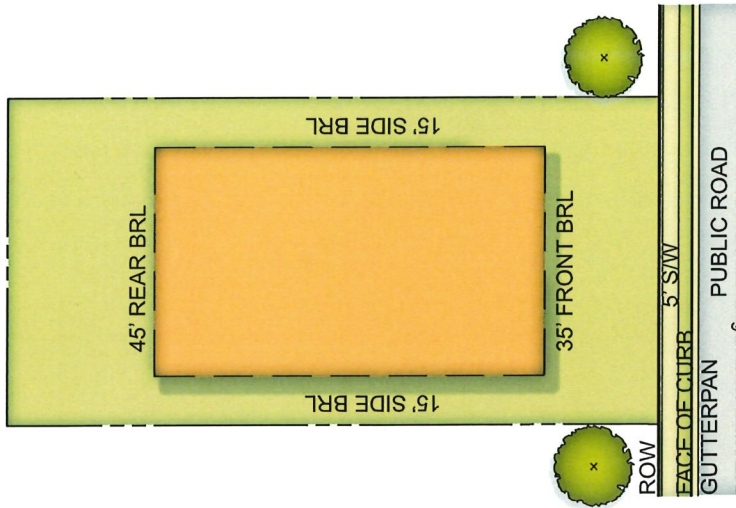
45 FT

5 FT

35 FT

35 FT

TYPICAL LOT



LEGEND

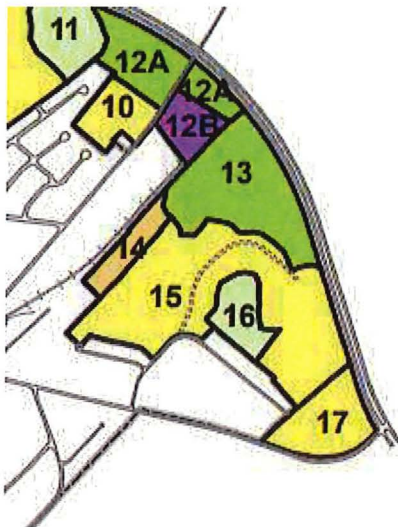


LARGE DECIDUOUS STREET TREES

MEMORANDUM

TO: Town of Berryville
FROM: David T. McElhaney, PE
SUBJECT: Battletown Run Proposed Development – Comprehensive Plan
Development Yield
DATE: 02/19/2026

As requested by Keith Dalton, I'm providing this memorandum that provides some additional information related to the comprehensive plan density for the subject residential development that is currently being processed through the Town. There has been some questions relating to what the 2015 Berryville Area Plan (hereafter "Plan") recommends as a development yield. The proposed development comprises SUB-AREAS 13, 14, and 15 per MAP 4 from the Plan. See screenshot below:



Per page II-24, SUB-AREA 13 only allows single family dwellings on lots no smaller than 10 acres in size. SUB-AREA 14 is recommended for medium-low density residential development at a density of 4 units per acre as identified on page II-25 of the Plan. SUB-AREA 15 is recommended for residential development of 2 units per acre or 4 units per acre depending on whether certain elements have been provided per page II-26 & 27 of the plan. According to the Plan, SUB-AREA 15 has one-third of it's area as slopes greater than fifteen percent with a portion exceeding 25 percent. The Plan includes a Table 12 which summarizes this information as shown below.



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 ³	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	Northeast Residential Growth Area	Low-Density Res.	SFD	2 RU/AC	52	63.1	81	same ⁷	0	81	0
16	Del Val Preservation Area	Limited Residential	SFD	1 RU/10 AC	12	9.6	1	same	1	0	0

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.

Based on this chart, the yield for the three sub areas equates to 112 (3 +28 +81). This assumes only 2 units per acre for SUB-AREA 15. It is noted that the chart identifies SUB-AREA 13 as approximately 32 acres, SUB-AREA 14 as approximately 7.2 acres, and SUB-AREA 15 as approximately 63.1 acres.

As part of our legislative application, a detailed topographic and boundary survey was prepared. Obviously, this information is more accurate than the preliminary land area and slope information identified in the Plan. Using this survey, we found the SUB-AREA 14 is 7.7 acres and SUB-AREA 15 is 58.5 acres. We also conducted a slope analysis and found that there was only about 2.1 acres of slopes between 15 and 25 percent and .28 acres of slopes over 25 percent. The slope areas above represent areas outside the floodplain. It is also noted that we found 3.4 acres of floodplain in the low density residential areas. When using the Town's procedures for taking density reductions for floodplain areas and steep slopes, my computed comprehensive plan development yield is 138 units which is well above the Table 12 yield of 112 units. It appears that the Plan chart assumed a very high steep slope value which resulted in a significant reduction in the potential development yield. Below is my computations for the potential development yield which is based on the detailed surveys referenced earlier.



PROJECTED COMPREHENSIVE PLAN DEVELOPMENT YIELD COMPUTATION

MASTER DEVELOPMENT PLAN AREA	100.04 AC
AREA WITHIN MED-LOW DENSITY RESIDENTIAL:	±7.77 AC
AREA WITHIN LOW DENSITY RESIDENTIAL:	±58.50 AC
AREA WITHIN HISTORICAL/CULTURAL PRESERVATION:	±6.01 AC
25% SLOPE OR GREATER SLOPE LAND WITHIN MED-LOW DENSITY:	0.00 AC
15% TO 25% SLOPE WITHIN MED-LOW DENSITY:	±0.06 AC
25% SLOPE OR GREATER SLOPE LAND WITHIN LOW DENSITY:	±0.20 AC
15% TO 25% SLOPE WITHIN LOW DENSITY:	±2.04 AC
LAND WITHIN FLOODPLAIN WITHIN LOW DENSITY:	±3.40 AC

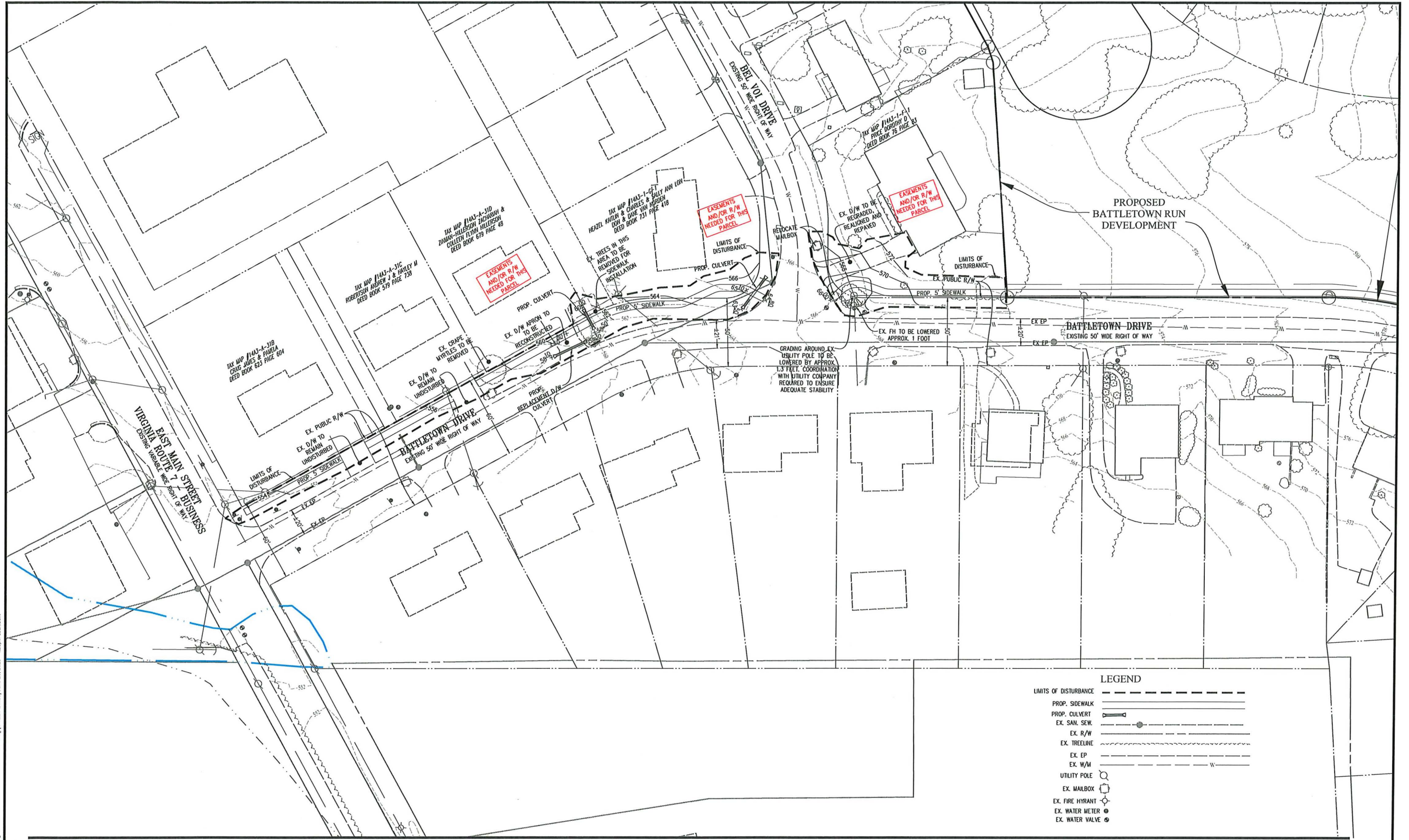
POTENTIAL COMPREHENSIVE PLAN YIELD BASED ON LOW DENSITY RESIDENTIAL @ 2DU/AC

$$\begin{aligned} \text{LOW DENSITY: } (58.50 - 3.40 - 2.04 - .20) \div 2 + 2.04 \left(\frac{1}{2}\right) &= 107.76 \\ \text{MED-LOW DENSITY: } (7.77 - 0.06) \div 4 + 0.06 \left(\frac{1}{2}\right) &= 30.96 \\ \text{POTENTIAL YIELD} &= 138.72 \text{ OR } 138 \text{ UNITS} \end{aligned}$$

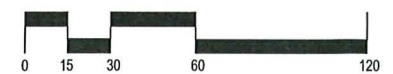
Please note that the above was taken directly from sheet 13 of the Master Development and Rezoning Plan and it includes more detail including the floodplain and steep slope locations.

Based on the foregoing, I would submit that we do not exceed the actual number of units permitted by the Plan when using more accurate topographic information. Battletown Run proposes a total of 134 units which is below the potential comprehensive plan yield computed on updated topographic information which is 138 units.

I'm happy to have further discussions on this matter and answer any questions.



PRELIMINARY SIDEWALK EXTENSION PLAN BATTLETOWN DRIVE



Scale: 1"=30'
June 17, 2026

BERRYVILLE PLANNING COMMISSION
Berryville-Clarke County Government Center
Regular Meeting Minutes
March 24, 2026

A meeting of the Berryville Planning Commission was held on Tuesday, March 24, 2026 at 7:00 p.m. at the Berryville-Clarke County Government Center in Berryville.

Attendance: Members of the Planning Commission present: Michael Bell, William Gilpin, Dana Libby, Gwen Malone, Tom Parker, Tim Sinclair and William Steinmetz

Absent: None

Staff present: Terry Russell, Community Development Director
Brandel Kelsey, Town Clerk

Press present: Mickey Powell, Winchester Star

1. Call to Order – Chair Steinmetz

Chairman Steinmetz called the meeting to order at 7:01 p.m.

2. Approval of Agenda

Mr. Sinclair made the motion to approve the revised agenda as presented, seconded by Mr. Parker. The motion passed by voice vote.

3. Approval of Meeting Minutes

The minutes were removed from the agenda.

4. Public Hearings

Friant Enterprises #1, LLC; Friant Enterprises #2, LLC; Friant Enterprises #3, LLC (Friant Enterprises #1, LLC; Friant Enterprises #2, LLC; Friant Enterprises #3, LLC (Owners) (John Regan, Christopher Companies, Agent) are requesting a rezoning of an approximately 42.26 acres of an approximately 97.8 acre property identified as 14-A-80 from OSR Open Space Residential; DR-1 Detached Residential-1; DR-2 Detached Residential-2; and BP Business Park to DR-4 Detached Residential-4 subject to the conditions proffered by the applicant. RZ 01-25

Community Development Director Terry Russell introduced the applicant's team. Ken Dondero, David McIlhaney, John Regan, Clark Massie, and Les Adkins, representing the Christopher Cos., presented the proposal.

Chairman Steinmetz opened the public hearing.

Mary Veilleux, 100 Battletown Drive, said that she disagrees with the number of houses proposed to be built. She would like to see some townhouses on the western side near the railroad tracks and some affordable houses.

Brian Snyder, 6 Bel Voi Drive, said that he understands that the property will eventually be developed and the quality of the proposed development is good, but he does not think the current proposal would be good for the Town.

Charles Wilson, 5 E Fairfax St, does not want the subdivision.

Joann Walker, 129 N Church Street, asked if there would be any ADU's (Accessory Dwelling Unit). Chairman Steinmetz said no.

Tom Bauhan, 113 Virginia Avenue, said the County Planning Director recommended last week that this be denied. He is not happy with the McMansion look and the viewshed when driving down from the mountain should matter. This is not for Berryville residents.

Sara Stern, 107 Taylor Street, wanted the Committee to know her family has lived here for over 100 years. She has experience as a homebuilder. She is not happy with the one road in and out for the subdivision. She knows most people do not want them, but she thinks sidewalks on Battletown Drive are a must for safety. She would like the Town to hire an Urban Planner and she believes all growth for the Town should be done on the east side.

Frank Lee stated that he has lived at 205 Swan Avenue for 48 years. He was on the BADA (Berryville Area Development Authority) long ago. He was on the committee when this area was planned. He said he knows the committee "eyeballed" the slope. Even though he went along with it then, he does not agree with it now. There will be too much traffic and emergency vehicles will not be able to access the area quickly.

Karen Curtis lives at 111 Battletown Drive She is opposed to this going through because of the residents that must walk in the street because there are no sidewalks and thinks it will be dangerous with so many extra cars driving through. She is also concerned about the wildlife that will be losing their homes.

Tia Earman, 17170 Brookdale Lane, stated that she is the land use field representative for the Piedmont Environmental Council. She opposes altering the area plan. She said that the Town and County have adopted strong, well worded planning documents. Amending the table as a one off is a dangerous precedent to set. The conservation easement should be more thorough. Affordable dwelling units should be provided.

Robert Lauten, 116 Battletown Drive, said that the water needs will be too much and the one street in and out is not sufficient. If it goes through he would like to see better access.

Barbara Lake, 116 Battletown Drive stated concerns with river and water issues. She would like to see the road widened and sidewalks put in on Battletown Drive for the resident's safety. She also thinks that VDOT should be contacted and have them put a road off from Rt7. She expressed concern that the speed limit is too high in the neighborhood.

Kaitlin Hazel, 1 Bel Voi Drive, has lived here for one year. She moved from Loudoun County to get out of that area and live in a small Town. She asked that Berryville not become developed like Loudoun County.

Ruth Shatkowski, 207 Moore Drive, does not want Berryville to become like her experience in California with water being restricted to 25 gallons of use per day.

Ben Sims lives on the mountain at 4440 Ebenezer Rd in Clarke County. He said that the Town should stick with the plan.

Chairman Steinmetz closed the public hearing.

Discussion of the public hearing:

Mr. Libby wanted the Committee to be careful of a few things that include density, spot zoning (the BAP is not a suggestion), rezoning needs to be done in the welfare of the public, and of historical issues that were placed on that property in the past but did not care over when it was annexed into Town.

Mr. Parker said he agrees with Mr. Libby and does not like when zoning changes are made.

Mr. Sinclair thanked all the residents who came out to speak. He said that he is worried about the transportation issues for the area.

Ms. Malone said that she shares the concerns with everyone and also wanted to thank everyone for coming out.

Chairman Steinmetz said that there was a great turn out.

Mr. Gilpin said the level of intelligence from the speakers was incredible. He said he was very appreciative.

Mr. Sinclair made the motion that the Planning Commission defer the subject rezoning request to the Planning Commission meeting to be held on May 26, 2026. The motion passed by voice vote.

Set Public Hearing

Zoning Ordinance Amendment to Section 509 – Amendments with Proffered Conditions to delete references to deleted sections of the Code of Virginia. ZTA 01-26

Mr. Parker made the motion that the Planning Commission hold a public hearing on April 28, 2026, seconded by Mr. Gilpin. The motion passed by voice vote.

5. Citizens' Forum

There were no comments.

6. Planning Update

Mr. Russell stated that construction of the Mosby Boulevard and East Fairfax sidewalks will begin as soon as the construction company can mobilize one of their crews. They have until June 2026 to substantially complete the projects.

Set Public Hearing

Belfort Furniture, Inc., is requesting a Special Use Permit in order to allow a retail sales (Section 609.3(h) of the Town of Berryville Zoning Ordinance) on the property located at 351 Station Road, identified as Tax Map Parcel number 14A5-((7))-1, 14A5-((7))-2, and 14A5-((A))-56 zoned L-1 Industrial. SUP 01-26

Ms. Malone made the motion that the Planning Commission hold a public hearing on April 28, 2026, seconded by Mr. Parker. The motion passed by voice vote.

Set Public Hearing

Beach Carpenter Properties LLC, Jon K. Erickson, agent, is requesting a Special Use Permit in order to allow vehicle sales (Section 609.3(k) of the Town of Berryville Zoning Ordinance) on the property located at 29 Cattleman's Lane, identified as Tax Map Parcel number 14A3-((A))-17A, zoned L-1 Industrial. SUP 02-26

Mr. Gilpin made the motion that the Planning Commission hold a public hearing on April 28, 2026, seconded by Ms. Malone. The motion passed by voice vote.

7. Other

There was no other business.

8. Adjourn

Ms. Malone made the motion to adjourn the meeting, seconded by Mr. Sinclair. The meeting was adjourned at 8:40 p.m.

William Steinmetz, Chair

Terry Russell, Secretary

MINUTES

PLANNING COMMISSION

Meeting

May 26, 2026

7:00 p.m.

A meeting of the Berryville Planning Commission was held on Tuesday, May 26, 2026, at 7:00 p.m. at the Berryville-Clarke County Government Center in Berryville.

Town Council

Present: William Steinmetz, Chair; Gwen Malone, Vice Chair; Michael Bell, Jr; Dana Libby; William Gilpin; Tim Sinclair; Tom Parker; Patrick Irish

Absent: None

Staff

Present: Terry Russell, Community Development Director; Brandel Kelsey, Town Clerk

Press

Mickey Powell, Winchester Star

Other

Ken Dondero, Tetra Corp.; Dave McIlhaney, Urban Ltd.;
John Regan, Christopher Companies; Les Adkins, Galloway

1. Call to Order- Chairman Steinmetz

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

2. Approval of Agenda

William Gilpin moved to approve the agenda and was seconded by Tom Parker. The motion passed by voice vote.

3. Approval of minutes.

Vice Chairman Gwen Melone moved to approve the minutes as presented and was seconded by Mr. Gilpin. Motion passed by voice vote.

4. Public Hearings

Friant Property Rezoning

Chairman Steinmetz called on Community Development Director Terry Russell to introduce the Christopher Companies Representative, Ken Dondero. Mr. Dondero spoke about the updates that have been made because of the feedback that has been given from the Planning Commission, Town staff and local residents.

The property has been evaluated and sidewalks have been added to the plans. There is now a landscaping plan, a lighting plan and a trail system for people to walk. There will be cluster boxes for mail boxes per USPS and a fire hydrant per Public Works. The TAP fees will pull in \$4,556,000.00 revenue and the tax revenue will be \$238,836.00 per year.

Mr. Dondero stated the slopes used in the original Berryville Area Plan to derive the number of units in Table 12 were eyeballed. He noted that the detailed topographic information used to derive the current units count were available in 1991. Christopher Companies used those figures to come up with the number of homes that will fit in the acreage which is 138. The applicant is proposing to build 134 units.

Mr. Dondero said that they are not like other developers that the town have experienced in the past. They care about what the town wants and needs and have made changes accordingly.

Mr. Parker spoke about Black Twig Street asking if the retaining wall for that street is nine feet tall. Mr. McIlhaney said the max height will be nine feet and the bulk of the height of the wall will be four feet. The highest point of the retaining wall will be at the rear property lines of the houses the front on Battletown Drive.

Mr. Parker also suggested that the parts of the sidewalk to be constructed on Battletown Drive that need to be part of an easement acquisition should be taken care of by the developer, not by the Town.

Text Amendments to Subdivision Ordinance

Mr. Russell explained the Subdivision Ordinance amendments. There were no comments.

Chairman Steinmetz opened the public hearing at 7:27 p.m. and called on speakers from the signup sheet to speak for three minutes about the *Friant Property Rezoning*.

Frank Lee, who resides at 205 Swan Avenue, stated that he was on the Berryville Area Development Authority (BADA) when this property was studied and the number of units in Table 12 of the BAP were established. Where they want to build is the proper area of the property and they are using cluster development. He does not like that they are trying to change the zoning.

Karen Curtis, who resides at 111 Battletown Drive, stated that she is a 30-year resident and thinks the trees and wild life need to be spoken for and should not be uprooted for five million dollars. She doesn't want revenue coming from homes behind her. She wants to continue to walk in the street and doesn't want sidewalks or a walking path.

Brian Snyder, who resides at 6 Bel Voi Drive, stated that the easements for sidewalks are not there. He does not want it to be a stand-alone subdivision because it will not be a part of the Town of Berryville. There will be too much traffic even with the construction of Black Twig Street.

Mike Mercier, who resides at 12 Battletown Drive, stated that it is hard enough for him to get out of his driveway now and wants to know if the curve in the street meets the Berryville standards.

Sarah Stern, a resident of Taylor Street, stated that the traffic will be untenable and, if it is so narrow that the sidewalk would be hard to build, then it can not handle the traffic. She also stated the other side of Town should be where new development is built.

Chairman Steinmetz closed the public hearing at 7:39 p.m. with a motion from Vice Chairman Malone, seconded by Michael Bell.

Chairman Steinmetz opened the public hearing at 7:40 p.m. and called on speakers from the signup sheet to speak for three minutes about the *Text Amendments to the Subdivision Ordinance and the Zoning Ordinance*. There were no public comments.

Chairman Steinmetz closed the public hearing at 7:41 p.m. with a motion from Mr. Bell, seconded by Mr. Gilpin.

5. Discussion of the public hearing:

Friant Property Rezoning

Mr. Gilpin asked if they had spoken with the Berryville Area Development Authority (BADA) and Mr. Dondero said no they have not.

Chairman Steinmetz stated on the record that he met with the developer on May 15th, Mr. Gilpin met with the developer on May 22nd, Mr. Bell met with the developer also in the past month and Mr. Sinclair met with the developer in 2025. Chairman Steinmetz also stated that he will be abstaining from the vote because he will be voting at the Town Council meeting.

Mr. Parker asked Mr. Russell about the proffer numbers for the local schools. Mr. Russell said there were no conversation between the schools and Town staff. The Christopher Company hired a proffer consultant who approached the schools. Mr. Dondero said they did hire a company and were told all three schools had the capacity to handle the new development. Mr. Parker asked if the five-year escrow realistic. Mr. Russell said yes.

Mr. Libby said there is a conflict between Town staff and County staff. He does appreciate the slope research and inventory map and thinks the capacity for the 134 homes is there. He thinks using third party sources for data to alter the legislative comprehensive plan can cause issues in the future. They can go back on any documents from fifteen years ago and find incorrect information that should be changed. He also stated that if the developer had come to the Commission and said that they wanted to amend the comprehensive plan then they would have a strong case to do so. Mr. Dondero said he understands that everyone works with the best information they have at the time, but at the time the BADA had the information and didn't use it. He

said that he was able to get the slope analysis from 1991, the BADA could have done the same and used accurate information instead of eyeballing it. Mr. Russell said that the Town's engineers said that the slope analysis is accurate. Mr. Libby said that he doesn't doubt that the information is accurate and wants to know if this is the way that the Council really wants to change the comprehensive plan. Mr. Dondero said he understands where Mr. Libby is coming from but if there is incorrect information in the comprehensive plan then it should be corrected. He also said that he agrees with Mr. Dondero and doesn't know what to do from here.

Mr. Irish said that they were not there when the plan was made and they cannot speculate on the things that should be fixed. He said he doesn't think they should be going through it and changing all the things that could be wrong. He suggested writing a new Berryville Area Plan instead of spot fixing the old one.

Mr. McIlhaney said he is the one who looked at the analysis for the slopes and with Black Twig Street being open for residents to use there is actually the ability to have 246 homes built in that space and they are still only asking for 134. Mr. Sinclair said he interprets it differently because he doesn't consider Black Twig Street as a primary access point to the subdivision, he thinks it is still only Battletown Drive. Mr. McIlhaney said no one in the County or the Town has said this information of needing a primary access road to them. Chairman Steinmetz said there is language in the plan that states there should be uninterrupted access to Route 7. Mr. Sinclair said Battletown Drive is listed as a low-capacity street and there are safety concerns. Also, there are people who pull off into the grass that will no longer be able to do that if there are sidewalks. He does not see that sidewalks will be an improvement to the traffic flow.

Mr. Libby said he thinks that there will be issues with the viewsheds for HOA if the HOA does not have enough money. Mr. Dondero said they will be responsible for the viewshed with the bond for approximately 5-6 years. Mr. Russell said the HOA would be in violation if they did not keep up with the viewshed once the bonds have been released. Mr. Dondero said they can write the HOA documents to make sure the viewshed is taken care of if that is important to the town. Mr. Libby also wanted to state that he doesn't like homes because it will bring in people that will commute for work and not work in town so it will not keep the small town feel of Berryville. He expressed his thanks for all the work that Christopher Companies has put into this project. Mr. Dondero said he is happy to work in this town and wants these homes to be a part of the community. He said that people saying that they don't want new homes is not showing the new residents that they are very welcome. Vice Chairman Malone said that is not what they are trying to say. She thinks these houses are not being built for the Berryville and Clarke County residents, they are being built for Loudoun County, Fairfax County people to move to Berryville. With building half-a-million-dollar homes it is not for residents because they could not afford them. We need affordable homes here. Mr. Dondero said these are not starter homes, they are homes for the families that are established.

Mr. Parker said he doesn't think the use of the Black Twig Street will work as a primary road. He agrees with the County Planning Director that the plan is very specific and this does not work with the plan. He also thinks if this were to go through that the plan should be redone beforehand.

Mr. Gilpin said the Berryville Area Plan is one of the core documents that has underpinned everything they have been trying to do in Berryville for a very long time. He feels that they are being asked to toss the plan around like a ragdoll and the developer is not in front of the correct group to do that.

Vice Chairman Malone thanked the residents for coming out to the meeting and sharing their feelings. She also thanked the developer for all that they have shared with them.

Mr. Parker moved and Mr. Gilpin seconded that the Planning Commission of the Town of Berryville recommend denial of the rezoning request. The motion passed by voice vote. With all saying Aye, except Mr. Bell saying Nay. Chairman Steinmetz abstained.

Text Amendments to Subdivision Ordinance

Mr. Libby thinks the public should have more notice on when things are happening and would like notice of new development provided on the town website. Chairman Steinmetz said that things can be made more public as long as it does not provide an undo burden on the staff. Mr. Russell said the amendment can still be approved with adding at the end that pending applications be posted online.

Mr. Sinclair moved and Vice Chairman Malone seconded that the Planning Commission of the Town of Berryville recommend approval of the Subdivision Ordinance and Zoning Ordinance Text Amendments as presented with the recommendation that the Town Council establish a mechanism by which new applications can be posted online. The motion passed by voice vote.

6. Citizens' Forum

None.

7. Planning Update

Mr. Russell stated that Mosby Boulevard is under construction and they will be moving on to Fairfax Street shortly.

8. Other

None.

9. Adjourn

The Council adjourned at 8:30 p.m. on a motion by Mr. Sinclair and seconded by Vice Chairman Malone.

Prepared by Brandel Kelsey, Town Clerk

William M. Steinmetz

Terry Russell, Secretary

Dana S. Libby
7 Josephine St
Berryville, VA 22611

June 21, 2026

Re: Friant / Battletown Run Rezoning Application

Members of the Town Council,

I am writing as a citizen of the Town of Berryville regarding the Friant / Battletown Run rezoning application recently considered by the Planning Commission on May 26, 2026. I write not in my capacity as a Planning Commissioner, but as a town resident who believes this matter raises important questions about the long-term integrity of the Berryville Area Plan and the Town's land-use decision-making process.

The Planning Commission voted to recommend denial of the rezoning. The main discussion focused on the property's projected residential yield under the Berryville Area Plan, including the Table 12 figures, the steep-slope assumptions behind them, and the applicant's claim that updated slope data support a higher dwelling-unit yield than the adopted plan reflects.

The applicant has asserted that the actual steep slopes on the property are materially less extensive than assumed in the Berryville Area Plan and that, using more accurate topographic information, the appropriate projected yield would be approximately 138 dwelling units. Because the applicant proposes 134 units across the overall development concept, it is of the view that the proposal does not exceed the proper plan-based yield.

I understand the logic of that argument. If the factual assumptions used during the plan-development process were incorrect, that is a relevant matter for the Town and County to consider. It is also significant that the applicant has represented that more accurate slope information may have been available when the Berryville Area Plan was being developed, even though the adopted yield appears to have been based on estimated slope conditions.

The countervailing concern, however, is substantial. The Berryville Area Plan was not merely an internal technical memorandum. It was adopted through a public legislative process by the Town and County as part of the comprehensive planning framework for this area. Table 12 and the sub-area yield assumptions were incorporated into the adopted plan. Even if one factual assumption underlying the plan is now believed to be incorrect, the question remains whether that issue should be corrected through a single rezoning application or a formal amendment to the Berryville Area Plan.

In my view, the safer and more transparent course is to treat the Table 12 yield numbers as controlling unless and until the Berryville Area Plan is amended through the required comprehensive-plan amendment process. Otherwise, a review of a single rezoning application could effectively override a density allocation adopted through a broader

public planning process. That would set a difficult precedent by encouraging future applicants to challenge the adopted plan's assumptions on a parcel-by-parcel basis rather than seeking an amendment to the plan itself.

This does not mean that the applicant's slope data should be ignored. If the data is accurate, it may provide a legitimate basis for the Town, the County, and the Berryville Area Development Authority to revisit the relevant portions of the Berryville Area Plan. That is, however, different from treating the revised calculation as automatically superseding the adopted plan in this rezoning.

The related issue of "unused" or "unbuilt" dwelling units also warrants careful attention. The Berryville Area Plan appears to recognize that some residential units originally anticipated in other sub-areas were never built and that unused capacity may be considered in appropriate circumstances. However, that language should not be construed to create a floating pool of discretionary density credits that may be reassigned without further legislative review. The unused-unit concept may be a planning consideration, but it should not substitute for the formal amendment process or the specific master-plan criteria set out in the Berryville Area Plan.

In addition to the Table 12 and yield issues, the public hearing process identified several practical concerns that the Town Council should carefully consider before taking final action:

First, residents raised substantial concerns about traffic, ingress and egress, construction traffic, and emergency access. A recurring concern was whether Battletown Drive and the East Main Street intersection can safely absorb the traffic associated with the proposed development, particularly if the development relies heavily on the existing Battletown street network.

Second, there were specific concerns about Black Twig Street/Twig Road, especially from residents whose properties would be directly affected. Those concerns included drainage, roadway placement, possible light-pole relocation, property and right-of-way issues, and whether the street should function as a full public connection, an emergency-only connection, or some other phased or limited-access arrangement.

Third, residents raise stormwater and drainage concerns, including concerns from adjoining homeowners who have experienced basement flooding. Those issues should be evaluated not only through general stormwater compliance, but also through targeted analysis of whether new road construction, grading, and impervious surfaces would worsen runoff onto existing homes.

Fourth, the historic and scenic context remains important. The property is in an area where the Berryville Area Plan calls for viewshed protection, sensitivity to Route 7, and protection of the historic Bel Voi property. Although the Clarke County Historic Access Corridor Overlay no longer applies within Town limits after annexation, those planning concerns

remain part of the Berryville Area Plan and should be addressed through specific, enforceable conditions rather than general assurances.

Fifth, the proffers require careful review. Several issues appear to warrant legal and technical confirmation, including whether proffers may validly apply to land not included in the rezoning area; whether open-space protections are durable and enforceable; whether any conservation-easement or HOA-covenant language is sufficiently specific; and whether sidewalk, trail, buffer, and cash-proffer obligations are drafted in a way that can be implemented and enforced.

Finally, the public comments reflected broader concerns about process and trust. Residents appear to seek assurance that the Town is not negotiating around the Berryville Area Plan, but applying it consistently and transparently. The credibility of the planning process depends on the public understanding that adopted plan standards will not be altered informally for a single project, even when an applicant presents persuasive technical information.

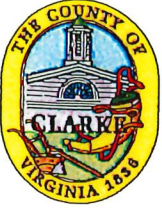
For these reasons, I respectfully urge the Town Council to approach this matter with caution. If Council believes the applicant's slope data demonstrates that the Berryville Area Plan is incorrect, the appropriate response may be to initiate or require a formal plan amendment process. If Council believes the project can be approved under the existing plan, the record should include clear findings explaining how the proposal satisfies the Berryville Area Plan, including the Table 12 yield issue, the master-plan criteria, transportation connectivity, stormwater, historic and viewshed protection, and public-facility impacts.

In my view, the most defensible course is not to approve the rezoning unless the Town can clearly demonstrate that the approval is consistent with the adopted Berryville Area Plan as it exists today, or unless the plan is first amended through the appropriate public process.

Respectfully submitted,

Dana S. Libby
Berryville resident





Clarke County Planning Department
101 Chalmers Court, Suite B
Berryville, Virginia 22611
(540) 955-5132
www.clarkecounty.gov

TO: Terry Russell

FROM: Brandon Stidham

RE: Friant Enterprises, LP/Christopher Companies rezoning application,
second review

DATE: March 19, 2026

Thank you for the opportunity to review and comment on revisions to the aforementioned rezoning application. I offer the following comments:

Berryville Area Plan Conformance

In my previous memo, I explained that the Berryville Area Plan (BAP) recommends provision of a master plan development for the subject property containing elements specified in the BAP for the applicable sub-areas. This is because the development exceeds the programmed yield set forth in Table 12 (Future Land Use Table and Projected Development Yields) by 25 dwelling units. The BAP allows for additional dwelling units to be used from the pool of 195 unused dwelling units provided that recommended master plan elements are included in the applicant's development plan. My updated analysis is provided below.

- Transportation connectivity and improvements. The applicant has added new connectivity in the form of an emergency access road that would be constructed within the right-of-way for "Black Twig Street" which is an existing stub street. Because this road would only be available for use during emergencies, it would not provide the transportation connectivity contemplated by the BAP. As described in the BAP for Sub-Area 15 (page II-26),

"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.

While provision of an emergency access connection helps to address public safety concerns, the absence of an uninterrupted public street connection to the proposed new street to be constructed to the east through Sub-Area 17 makes the proposed development plan noncompliant with this master plan element. My previous concern about

construction traffic having to use the existing street network for construction of the 110 lot portion of the project also remains.

- Cluster design to reduce infrastructure costs and adverse environmental impacts. As noted in my previous memo, Town Staff will have to determine whether the proposed lot layout meets the Town's cluster subdivision requirements. Proffer 1.3 does state that the subdivision will be developed in general conformance with the applicant's Master Development and Rezoning Plan (MDRP). This addresses my prior comment that a development plan has not been proffered.
- Walkability elements including sidewalks and walking trails. The applicant has included proffers for the development of a "public trail system" and sidewalks. Language should be added to clarify who will be responsible for ownership and maintenance of the public trail system.
- Viewshed protection. My previous comments regarding this element remain unchanged:

The primary area for viewshed protection is along the shared boundary with the Bel Voi property to the east, a property containing a home and grounds of historic and cultural significance. This property is designated as Sub-Area 16 (Bel Voi Preservation Area) and specifically states that adjoining development "shall provide appropriate mitigation measures (e.g., buffers, architectural features) to further protect the historic home."

Lots along public streets C and D will be in close proximity to the shared boundary with Bel Voi and the current plan shows a +/-49 foot buffer to be provided. Neither this buffer nor plans to provide screening landscaping are currently proffered.

- Master planning for public water, public sewer, and stormwater infrastructure. The applicant has provided proffers pertaining to public water, public sewer, and stormwater management. I will defer to Town Staff on whether the applicant has complied with this element.
- Cash proffers or other developer-funded improvements to mitigate the impact of new development on Town and County capital needs. The applicant has provided cash proffers to address the development's impacts on the school system and public park facilities. I have a couple of comments regarding the wording of these proffers:
 - The title for Proffer #4 is "SCHOOL/FIRE & SAFETY/POLICE:" however Proffer 4.1 specifically references that this cash proffer is for the "excess of students" and Proffer 4.2 specifically references that this cash proffer is "to offset the projects impact on public park facilities." These specific references call into question whether the cash proffer has taken into account or can be used for impacts to fire, rescue, and police.
 - Proffer 4.1 is for the "excess of students generated by the by-right development." It is my understanding that the 24-lot by-right subdivision is not part of the

rezoning application. I recommend consulting with the Town Attorney to determine whether a proffer can be accepted on land that is not part of the rezoning application.

- I will defer to Town Staff as to whether the amount of cash proffers and the methodology for calculating them is consistent with the BAP and Town policies.

Other Comments on Proffers

Regarding Proffer #12, the applicant proffers to place open space within existing OSR zoning to be “provided with a Conservation Easement to be established with the subdivision Record Plat.” This language is vague as to the nature of the conservation easement to be provided – specifically as to the term of the easement and the easement holder. In absence of a specified term, the “Conservation Easement” could be recorded for a finite term, e.g., 25 years. If the land is intended to be a permanent conservation easement, the proffer should include language that it will be placed into easement with a duly-authorized easement holder.

It is also my understanding that the OSR portion of the property is not part of the rezoning application. Town Staff should verify with the Town Attorney whether Proffer #12 can be validly accepted for lands that are not subject to the rezoning application.

Applicant’s Memo Regarding BAP Table 12 (Future Land Use Table and Projected Development Yields)

The applicant’s agent, David McElhaney, provided a memo dated February 19, 2026 which offers a different interpretation of BAP Table 12. Based on his analysis, the applicable sub-areas should be able to yield more dwelling units than those noted in Table 12 and therefore not require the use of unused dwelling units or compliance with the BAP’s master plan recommendations.

It is important to note that Table 12 is an integral and important part of the BAP. In order to consider any numbers that are different from those in Table 12, the BAP would have to be amended to reflect those numbers. This amendment process requires review and recommendation by the Berryville Area Development Authority (BADA), review and approval by Town Council and Board of Supervisors, and public hearings before all three bodies. It should also be noted that “piecemeal” amendments to address specific issues or to accommodate a development project are strongly discouraged in the BAP (see page IV-1).

Recommendation

While the applicant has made progress in providing proffered conditions and changes to the development plan, the application does not conform to the Berryville Area Plan’s recommendations. For the reasons stated above, it does not meet the master plan development criteria set forth in the Berryville Area Plan to warrant rezoning to DR-4 and designation of 25 additional units.

Please let me know if you have any questions.



Clarke County Planning Department

101 Chalmers Court, Suite B

Berryville, Virginia 22611

(540) 955-5132

www.clarkecounty.gov

TO: Terry Russell

FROM: Brandon Stidham

RE: Friant Enterprises, LP/Christopher Companies rezoning application

DATE: November 10, 2025

Thank you for the opportunity to review and comment on the aforementioned rezoning application. Below are my initial comments:

General Comments/Berryville Area Plan Conformance

The application proposes the rezoning of only a 42.46 acre portion of the Friant Enterprises, LP property which contains areas zoned Business Park (BP), Detached Residential-1 (DR-1) and Detached Residential-2 (DR-2). Other areas of the property that are not part of the rezoning are zoned Open Space Residential (OSR) and DR-1. It does not appear that any lots are proposed for the OSR portion of the property however trails are shown to be constructed in it. Per your correspondence, the eastern portion of the property zoned DR-1 that is outside of the area to be rezoned will be a separate by-right subdivision of 24 lots. The total number of lots proposed in the area to be rezoned is 110. Together with the 24 lots in the separate by-right subdivision, there would be a total of 134 lots developed on the subject property.

This property is in three separate sub-areas:

- Sub-Area 13 – Buckmarsh Run Conservation Area (Environmental Conservation)
- Sub-Area 14 – Northeast Residential Transition Area (Medium-Low Density Residential)
- Sub-Area 15 – Northeastern Residential Growth Area (Low Density Residential)

The area to be rezoned only lies within Sub-Areas 14 and 15 as designated in the Berryville Area Plan (BAP). Per the descriptions of Sub-Areas 14 and 15 and the Future Land Use Table and Projected Development Yields (Table 12), Sub-Area 13 is designated for a maximum of 28 dwelling units and Sub-Area 14 is designated for a maximum of 81 dwelling units for a total of 109 dwelling units. The rezoning currently proposes 1 dwelling unit more than this maximum yield and 25 total dwelling units more if you include the 24-lot by-right subdivision.

As you are aware, the BAP encourages provision of a master plan development in these Sub-Areas by allowing DR-4 zoning and additional dwelling units from the pool of 195 units that were programmed in the BAP but were not used in the residential sub-areas as development occurred. The BAP contains specific criteria as to what constitutes a “master plan development,” and compliance with the criteria is essential to approval of DR-4 zoning and access to additional

dwelling units. These criteria and my initial comments are as follows:

- Transportation connectivity and improvements. The proposed layout does not comply with this criteria. The proposed subdivision street network for 110 lots would be stacked onto the existing Battletown Subdivision street network serving approximately 56 lots, resulting in 166 lots accessing East Main Street from a single entrance (Battletown Drive). There are no new street connections proposed to East Main Street that would help distribute traffic and no connectivity to the proposed 24-lot by-right subdivision that is proposed to have a new access road to East Main Street. This would result in construction traffic having to use the Battletown Subdivision street network throughout the construction process. It would also present safety concerns for first responders if Battletown Drive is ever blocked. The proposed layout would in no way enhance transportation connectivity. On the contrary, it would likely diminish level of service and traffic safety.
 - Cluster design to reduce infrastructure costs and adverse environmental impacts. Town Staff will have to determine whether the proposed lot layout meets the Town's cluster subdivision requirements. A compliant lot layout should be proffered.
 - Walkability elements including sidewalks and walking trails. Sidewalks and trails are proposed but have not been proffered.
 - Viewshed protection. The primary area for viewshed protection is along the shared boundary with the Bel Voi property to the east, a property containing a home and grounds of historic and cultural significance. This property is designated as Sub-Area 16 (Bel Voi Preservation Area) and specifically states that adjoining development "shall provide appropriate mitigation measures (e.g., buffers, architectural features) to further protect the historic home."
- Lots along public streets C and D will be in close proximity to the shared boundary with Bel Voi and the current plan shows a +/-49 foot buffer to be provided. Neither this buffer nor plans to provide screening landscaping are currently proffered.
- Master planning for public water, public sewer, and stormwater infrastructure. Compliance with this criteria is unclear as technical information on the proposed infrastructure has not been provided.
 - Cash proffers or other developer-funded improvements to mitigate the impact of new development on Town and County capital needs. The applicants are not currently offering any proffered conditions as this is a rezoning application and not a conditional zoning application.

Recommendation

The application in its current form does not conform to the Berryville Area Plan and should be denied. It does not meet the master plan development criteria set forth in the Berryville Area Plan to warrant rezoning to DR-4 and designation of 25 additional units. In the event that the

developer modifies the application to conform to the master plan development criteria, conditional zoning should be used so that recommended improvements and other elements may be provided as proffered conditions.

One note of concern in your October 28 Staff Report is that you state a "comprehensive plan amendment (in this case, the Berryville Area Plan is the component plan to the Town's comprehensive plan)" is required to be approved by Town Council. Piecemeal amendments such as those designated for the benefit of a specific developer are strongly discouraged in the BAP (see Page I-15, last paragraph). Furthermore, any changes proposed to the BAP are required to go through the Berryville Area Development Authority and also require action by the Board of Supervisors.

Please let me know if you have any questions.

Terry Russell

From: Mary Veilleux <mfveilleux@comcast.net>
Sent: Thursday, February 26, 2026 3:35 PM
To: Terry Russell
Subject: Planning Commission Work Session

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mr. Russell,

Would you be so kind as to forward this email to the members of the Planning Commission? Thank you so much!

Sincerely,
Mary Veilleux

Dear Planning Commission member,

I attended the work session Tuesday evening and wanted to send you my impressions and observations. For those members who do not know me, I am Mary Friant Veilleux and am keenly interested in what happens to the Friant property as do all my neighbors and friends on Battletown and Bel Voi Drives.

I will format my email in "bullet form" :

1. I did not count the number of times the engineer repeated the phrase, "when we met with staff"- since it was obvious there have been many meetings and many behind the door type of gatherings. Noticeably missing are the ones most affected by the development. It was very evident that there have been discussions and encouragement to proceed. To remind you , there was only ONE meeting which Julie Abrera and I helped organize at Crums Church in May for locals to have their say. I felt that we were "used" to get some talking points in for the engineer- which were totally misrepresented last night. Whew. A big disappointment.

2. The information from the developer has not been available online- so none of us attending could look beforehand to see what was going to be presented. The engineer gave us limited information , in that we couldn't read the screen; he didn't have the decency to correct a major error in the Development plan (revealing Rt 7 in the ridiculous position - through the housing...). Are we that unobservant?

3. From the engineer, I felt that his presentation was condescending and humiliating to our Town leaders- especially as he referred to "sloping angles": our BADA Got it "all wrong". My own impression was as if he were saying the following: And yes the hyperbole is used to get my point across.

"You country bumpkins! You morons ! You don't even know how to do basic math! Here! Let me enlighten you with my wondrous ability to manipulate the numbers and show you that really many MORE houses can be built in this section- SEE? Please , do put your community's interest and your resident's interests aside as you listen to my marvelous calculations! Put aside common sense! Ignore the impact of 110 houses in a small rocky section near the railroad! Ignore that we are going to build unaffordable housing that no one in your community - teachers, police, firemen, etc. can afford! We are going to make the town tons of money at resident's expense! As a matter of fact ,we are doing you a big favor- we could build over 138 homes! But we will have mercy on you little folks. Just listen to the experts!"

4. I hope before the March 24 Public hearing, we will have plenty of time to look at the plan in all its detail-online.

5. Finally, the Town has seen 5 major developments in the past 25-plus years. All have been separate parcels- none have had to include an already established neighborhood like ours. My encouragement to the Planning Commission is to consider all these details when making your recommendations. Let's learn from the past ! Let's think of what do YOU /WE want for our town? Please, I urge you to resist what the developer's desires are- to rezone the acreage. I urge you to recognize the land , the people, the town would be best served by sticking to the plan and limit the amount of houses in the western section to 81 or below.

6. I recognize that there will always be a conflict of interest for a small town in its desire to remain a tight, loving community- with a high dollar developer who makes its living on building high dollar homes.

7. Let's get this one right!

Thank you,
Mary Veilleux
100 Battletown Drive

Terry Russell

From: Tim Sinclair <timsinclair85@gmail.com>
Sent: Thursday, February 26, 2026 2:24 PM
To: Terry Russell
Cc: Michael Bell Jr; William Gilpin; Patrick Irish; Dana Libby; Gwen Malone; Tom Parker; William Steinmetz
Subject: Re: Staff report for February 24

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Afternoon Everyone,

I have spent some time contemplating the discussion from Tuesday night regarding the Christopher Companies memo/presentation around the yield numbers for Sub-Area 13/14/15 (112 vs. 138). I was still trying to wrap my head around what I should and could think about it. After having time to reflect further I'm sharing my thoughts on this because I think it's really important and welcome any dialogue (if any) everyone would like to discuss. Feel free to take or leave any of this as you so like, and Terry if there is any perspective you want to provide from the Town please feel free to chime in as well.

While their data/presentation certainly provides convincing data, I think this is ultimately a challenge to policy, not just a technical discrepancy, and could impact future precedence for other developments and public perceptions. Since the Berryville Plan is the policy we are working with, I think we need to look to the plan for how it might deal with this.

The Berryville Area Plan is explicit that its land-use assumptions were established through a formal and joint Town-County process. The language of the plan is that these areas were identified, reviewed, and this number is not presented as a suggestion but as the adopted policy basis for evaluating development proposals. Equally important, the Plan warns against altering these assumptions in response to a single application: "Any update of this Plan should be through a careful and deliberate process and any 'piecemeal' Plan amendments offered in response to a specific development request or land use decision are discouraged." (Section I-1)

I read this language as making it clear that if the developer believes the Plan's slope assumptions or environmental constraints are outdated or inaccurate then the appropriate remedy is a formal Comprehensive Plan amendment, not a reinterpretation during a rezoning. The Plan provides a defined amendment process involving both the Town and County, and it is the only legitimate mechanism for changing adopted policy. Based on the brief correspondence that Terry shared from Brandon Stidham with the County, the view from his perspective representing the County is that the plan is the policy. If they want more density it should be viewed through the density qualifiers already listed in the Sub-Area descriptions.

My hesitancy with reinterpreting the yield tables for this request is that it would set a precedent allowing future applicants to challenge or reinterpret Plan assumptions to justify higher densities. Dana's closing comments were pertinent in that the plan governs long-term planning, as well as public trust, and

making one-off reinterpretations such as this may undermine the trust in the process even if we find their reasoning compelling.

For these reasons, I believe the most defensible and policy-consistent approach is to adhere to the Plan's stated yield of 112 homes, with full consideration for the density bonus outlined for these Sub-Areas. Determination should be on meeting those criteria unless and until the Plan is formally amended. This preserves the integrity of our planning framework and ensures that any changes to core assumptions occur transparently and with full public process.

Thank you for considering this perspective as we continue our review. I hope you all have a great rest of your week and weekend!

-Tim Sinclair
804-205-0808

On Mon, Feb 23, 2026 at 1:52 PM Terry Russell <planner@berryvilleva.gov> wrote:

Commissioners, I realized that I did not include my staff report in the Agenda Packet I sent you on Friday. Please see attached.

Terry Russell, CZA

Community Development Director

Zoning Administrator

Town of Berryville

101 Chalmers Court, Suite A

Berryville, VA 22611

540-955-4081

Thanks,
Tim Sinclair
804-205-0808

March 4, 2026

To: Planning Commission Members

Subject: Friant rezoning request/Twig Road Extension

I am writing with comments concerning the proposed project for development of a subdivision on the Friant property that is under consideration.

First, let me give you a bit of my history on Battletown Drive. I built and moved into a house at 102 Battletown in June 1986. I lived there from 1986 until I sold the property after my husband passed away in June of 2012. I moved to Broadway, Virginia for four years. My children wanted me to move back to be closer to them, so my son purchased my current home at 201 Battletown Drive in 2016 for me to live in. In total, I have lived on Battletown Drive for 36 years of my life.

I am one of two properties that will be affected by Twig Road extension: the other being the home of Lydia Russell at 119 Battletown.

Here are my concerns:

- My home has had water in the basement twice since 2016. The last one resulted in having water remediation company punch holes in drywall to remove/dry out area and tear out flooring. Subsequently I had to replace/repair drywall; replace flooring; replace electrical baseboard heaters and install a new sump pump. I understand that previous

owners had similar problems with flooding. *What will the building/paving of Twig Road do to the drainage issues? Will the water coming off the road cause more flooding problems in my basement?*

- *Where will the current location of the light pole go when the road is built? Will it be located directly in front of my home?*
- The home I am living in was built by John Friant, Sr. for his mother or mother-in-law. When I moved in in 2016, I went to the Court House to see if I could get a copy of the plat to show the property lines. According to the clerk there, a survey of the property had not been done since it was originally built in 1962 although it has passed through several owners to the current time. During those 60 years, the Friant's did not stake claim to the right of way between the two properties. The homeowners took care of mowing, etc., over the right of way. It was not until the Sr. Mr. Friant passed away, and the family decided to sell the property, (around five years ago) they had the right of way surveyed and started mowing the strip of land between the two properties. *I think there would be an argument that they had given up their right to retain the right of way because of 60 years of not claiming it. I know that would take a lot of money to hire a lawyer and take to court to fight their action of claiming now.*
- By opening Twig Road to Battletown Drive, traffic from the 24 homes proposed in this area would be coming to a

street which now is barely wide enough for two cars to pass. In addition, most of the homes along Battletown Drive have several cars per family and are parked along the right of way areas of the street. No one on the street that I know of wants sidewalks installed along an already narrow street. *Wouldn't it make more sense to extend Battletown Drive to meet up with the street being built on the right of way through Audley Farm property?*

In conclusion, let me say that I know the Friant property will eventually become additional homes for the town and from everything I have seen so far, the proposed builder seems to be better fitted for building quality houses. D. R. Horton has proved with the houses they have already built in the town that they are only here for the profit and their houses are poorly built.

As far as to what is approved concerning Twig Road, Lydia's property and my property are the two that will be most directly affected by what is decided. I ask for your careful consideration of this matter.

Sincerely,

Mary Jane Pierce

piercemaryjane@gmail.com

201 Battletown Drive

Terry Russell

From: Brandel Kelsey
Sent: Thursday, March 5, 2026 12:27 PM
To: Terry Russell
Subject: Fw: Friant- Battletown Run rezoning request for Berryville, VA

Willy sent this to me.

Brandel Kelsey
Town Clerk
Town of Berryville
101 Chalmers Ct
Berryville, VA 22611
540-955-1099

From: William Steinmetz <wsteinmetz@berryvilleva.gov>
Sent: Thursday, March 5, 2026 12:18 PM
To: Brandel Kelsey <townclerk@berryvilleva.gov>
Subject: Fw: Friant- Battletown Run rezoning request for Berryville, VA

This is the only comment I have in writing

Willy Steinmetz
Berryville Town Council, Ward 1

Please forgive any typos. Sent from my phone.

From: Patricia Castelhana <patriciajcastelhano@gmail.com>
Sent: Wednesday, February 25, 2026 5:14:56 PM
To: Paul Perez <pperez@berryvilleva.gov>; William Steinmetz <wsteinmetz@berryvilleva.gov>
Subject: Fwd: Friant- Battletown Run rezoning request for Berryville, VA

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.
Good afternoon gentlemen,

I am writing you today because you are my Council member and represent the Ward in question. I just finished looking through the Friant proposal and while i'm sure they worked to make this into a "thing" we would feel good/better about as a town it just seems very McMansiony to me. Folks who come from afar and live in the McMansiony houses we already have tend to not really participate much in Berryville as a town - I've encountered so many folks that just go back over the mountain for things so they may feed our property taxes but they don't feed our town businesses or banks or fire station etc.. Maybe if there was a plan here to solve the housing issues we already have or help locals grow into new house - some way to add to the town instead of simply bringing in new folks I would understand the appeal. On top of that we already have water issues and resource issues - unless this brings enough money in to find new water and postal and power and etc. resources i don't see it as a net positive and would ask that you vote

no. I would happily hear any info you have to the contrary and will try and make it to the meeting in march
AND i wanted to be sure you heard my voice if only so I can say I tried.

Respectfully,

Patricia Castelhanao

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February 25, 2026

Friant- Battletown Run rezoning request

March 13, 2026

RE: Concerns and Recommendations for the Friant Property Development

To the Members of the Planning Commission,

I am writing to follow up on my letter dated March 4 regarding the proposed Friant property development. Today, I met with Mr. Ken Dondero of Tetra Corporation to discuss my specific concerns and questions.

I found Mr. Dondero to be straightforward in his explanation of the proposed plans. He emphasized that his company has local ties and remains committed to the Berryville community both now and after the project's completion. Based on our conversation, I encourage any interested residents to contact him directly for answers to their questions.

My primary concern remains the impact on the properties at 201 Battletown and 119 Battletown (owned by Lydia Russell), which are the two homes directly affected by decisions regarding "**Black Twig Street**" and its access to the new development.

After discussing the matter with Mr. Dondero, I would like to formally state my preference. I believe the best option for Ms. Russell and myself is for **Black Twig Street to be designated and built for "emergency use" only**, secured with a gate and lock for emergency vehicle access.

Given that the proposal includes only 24 houses spread across large lots with cul-de-sacs and no connection to the proposed developed section on the other side of the manor house—the main access road over the Audley Farm property to Business 7 is more than adequate to serve as the entrance and exit for these 24 homes.

Thank you for your time and for considering the impact of this development on our neighborhood and **for the two properties bordering Black Twig Street.**

Sincerely,
Mary Jane Pierce
201 Battletown Drive
piercemaryjane@gmail.com
540 405-2570 (cell-Text)

Cc: Terry Russell
Cc: Ken Dondero

Terry Russell

From: Terry Russell
Sent: Sunday, March 22, 2026 3:01 PM
To: Dana Libby
Cc: William Steinmetz; Keith Dalton; Jean Petti; Brandon Stidham
Subject: Re: Friant Public Hearing - Historic Access Corridor Question

Gentlemen, I met with Clarke County Planning & Zoning staff to discuss Dana's email because it is the Clarke County Zoning Ordinance that is being cited. When the subject areas were annexed into the Town of Berryville, the Town Zoning Ordinance became the zoning code for this area. The Clarke County Zoning Ordinance has no authority over this area any longer, therefore, the Historic Access Corridor Overlay is no long in effect within Town boundaries. Please let me know if you have any additional questions. Best Regards, Terry

Terry Russell, CZA
Community Development Director
Town of Berryville, VA
101 Chalmers Court, Ste. A
Berryville, VA 22611

540 955-4081

From: Dana Libby <danaslibby@gmail.com>
Sent: Thursday, March 19, 2026 4:20 PM
To: Terry Russell <planner@berryvilleva.gov>
Cc: William Steinmetz <wsteinmetz@berryvilleva.gov>
Subject: Friant Public Hearing - Historic Access Corridor Question

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mr. Russell,

I hope you are doing well.

In advance of the upcoming public hearing on the Friant rezoning proposal, I wanted to follow up with a few questions related to the **Historic Access Corridor Overlay**, as described in the attached document. Given that a significant portion of the subject property appears to fall within this overlay area, I would appreciate any clarification you can provide on the following points:

- What percentage or acreage of the site is subject to the Historic Access Corridor Overlay?
- What specific development constraints apply within the overlay (e.g., setbacks, buffering, architectural standards, or layout requirements)?
- Has the applicant provided, or has staff evaluated, a concept plan demonstrating that the proposed density can be accommodated while complying with these overlay requirements?
- In staff's view, could compliance with the overlay materially affect the achievable layout or unit yield on the site?

- Are there any known instances where the overlay has effectively limited development intensity or required significant redesign in similar cases?

I understand that a detailed review under the overlay may occur at a later stage; however, since rezoning establishes the allowable density, I believe it would help the Commission understand any practical constraints at this stage.

Thank you for your time and assistance. I look forward to your guidance on these questions.

Respectfully,

Dana Libby

Planning Commissioner

cc: William Steinmetz, Planning Commission Chair

“Historic Access Corridor” 2015 Berryville Area Plan – Page II-11

TABLE 11 – CONSERVATION/PRESERVATION/INSTITUTIONAL LAND USES AND DENSITIES

1	Environmental Conservation	No urban uses permitted; other uses as per overlay zoning district requirements
2	Historic/Cultural Preservation	Performance-based densities
3	Institutional/Public Use	Densities as per zoning district requirements

In addition, to these conventional land use controls, a Historic Access Corridor Overlay Zoning District has been established by the County to ensure high quality site design and architectural compatibility as permitted by State law. The purpose of the district is to achieve architectural control of the buildings, structures, places, and areas of new development along the arterial streets or highways which are significant routes of tourist access to the County and surrounding areas.

In the Berryville area, the Historic Access Corridor Overlay Zoning District has been applied to the following County properties along the Route 7 corridor:

Within 300 feet of the rights of way of:

- U.S 340 south of the Town corporate limits
- Route 7 Business
- Route 7 Bypass starting from a point 3,000 feet east of the western intersection of Route 7 Bypass and Route 7 Business to the intersection of Route 7 Bypass and U.S. 340

Within 1,000 feet of the rights of way of:

- U.S. 340 north of the Town corporate limits
- Route 7 Bypass from its western intersection with Route 7 Business to a point 3,000 feet east of this intersection
- Route 7 Bypass from its intersection with U.S. 340 to its eastern intersection with Route 7 Business.

The Historic Access Corridor Overlay District provisions can be found in §3-E-4 of the Clarke County Zoning Ordinance.

ARTICLE I – ZONING ORDINANCE
2025 EDITION

4.2.5	Historic Access Corridor Overlay District	HAC
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Purpose:

The intent of this Section is to promote and protect the health, safety, comfort, and general welfare of the community through establishing high quality design criteria. The purpose of the quality design criteria is to achieve architectural control of the buildings, structures, places, and areas of new development along the arterial streets or highways which are significant routes of tourist access to the County, municipalities in the County, to designated historic landmarks, buildings, structures or district therein, or in a contiguous county or municipality. The purpose of architectural control is to preserve and enhance areas of special historical, cultural, architectural or archaeological significance. The protection of these vital corridors will help stabilize and improve property values, protect and enhance the designated area's attraction to tourists and visitors, and will support and stimulate complimentary development appropriate to the prominence afforded properties contiguous to significant arterial routes. Benefits attributable to the promotion of superior design and appearance of structures constructed and altered along arterial highways will ultimately promote the public health, safety, and general welfare of the citizens of Clarke County.

A. Creation of Historic Access Corridor Overlay District

1. A special zoning overlay designation is hereby created for lots contiguous to arterial streets or highways which are significant routes of tourist access under authority of Va. Code §15.2-2306. Location and boundaries of Historic Access Corridor Districts shall be delineated by the Board of Supervisors and shall be incorporated into the Official Zoning Map as special overlay districts designated as Historic Access Corridor District (HAC).
2. Criteria for Designation of Districts. The Board of Supervisors may designate one or more Historic Access Corridor Districts. Any such District shall encompass lots contiguous to arterial streets or highways which are significant routes of tourist access to the County, municipalities in the County, to designated historic landmarks, buildings, structures or district therein, or in a contiguous county or municipality and shall conform to the definition of such corridors set forth in Va. Code §15.2-2201.

B. Certificates of Appropriateness

No structure or building to which the HAC District applies shall be erected, reconstructed, altered, or restored unless a Certificate of Appropriateness is approved. The requirements for the application, review, and approval of certificates of appropriateness are set forth in Section 6.2.5 (Certificate of Appropriateness).

C. Penalties for Noncompliance

Any violation of this section shall be subject to the provisions for violations and penalties set forth in Section 10 (Enforcement) of this Ordinance.

D. Special Overlay District Regulations – Uses

Wireless communication facilities (WCFs) may be permitted as allowed by the regulations of the underlying zoning district and subject to compliance with the requirements of this section.

5. Criteria for Approval of Certificate of Appropriateness. In reviewing a request, the HPC shall not approve a certificate of appropriateness unless the applicant's proposals are architecturally compatible with the motif and character of the H District. The HPC shall base its decision on whether the proposed action conforms to the criteria set forth by the Secretary of the Interior's Standards for Rehabilitation. The HPC shall also consider the following factors:

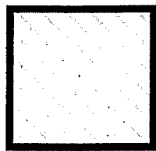
- a. The extent to which the project will affect the overall character, visual fabric, rhythm, and continuity of the District.
- b. Whether the height, proportion, openings, spacing, roofs, walls, fences, landscaping, ground cover, scale, and directionality of the proposed work are visually compatible with the surrounding community.

SECTION 6 – PERMITS AND REVIEW PROCESSES

6-14

ARTICLE I – ZONING ORDINANCE
2025 EDITION

- c. Whether the materials, textures, and colors planned for use are compatible with the District's character.
- d. In the case of a building to be razed, demolished, or moved, the extent to which the loss of said building will detract from the Historic District and the purposes of this Section.



Historical Access Corridor Overlay District
(Source: Clarke County GIS)

March 13, 2026

RE: Concerns and Recommendations for the Friant Property Development

To the Members of the Planning Commission,

I am writing to follow up on my letter dated March 4 regarding the proposed Friant property development. Today, I met with Mr. Ken Dondero of Tetra Corporation to discuss my specific concerns and questions.

I found Mr. Dondero to be straightforward in his explanation of the proposed plans. He emphasized that his company has local ties and remains committed to the Berryville community both now and after the project's completion. Based on our conversation, I encourage any interested residents to contact him directly for answers to their questions.

My primary concern remains the impact on the properties at 201 Battletown and 119 Battletown (owned by Lydia Russell), which are the two homes directly affected by decisions regarding "**Black Twig Street**" and its access to the new development.

After discussing the matter with Mr. Dondero, I would like to formally state my preference. I believe the best option for Ms. Russell and myself is for **Black Twig Street to be designated and built for "emergency use" only**, secured with a gate and lock for emergency vehicle access.

Given that the proposal includes only 24 houses spread across large lots with cul-de-sacs and no connection to the proposed developed section on the other side of the manor house—the main access road over the Audley Farm property to Business 7 is more than adequate to serve as the entrance and exit for these 24 homes.

Thank you for your time and for considering the impact of this development on our neighborhood and **for the two properties bordering Black Twig Street.**

Sincerely,
Mary Jane Pierce
201 Battletown Drive
piercemaryjane@gmail.com
540 405-2570 (cell-Text)

Cc: Terry Russell
Cc: Ken Dondero

Terry Russell

From: Brandel Kelsey
Sent: Thursday, March 5, 2026 12:27 PM
To: Terry Russell
Subject: Fw: Friant- Battletown Run rezoning request for Berryville, VA

Willy sent this to me.

Brandel Kelsey
Town Clerk
Town of Berryville
101 Chalmers Ct
Berryville, VA 22611
540-955-1099

From: William Steinmetz <wsteinmetz@berryvilleva.gov>
Sent: Thursday, March 5, 2026 12:18 PM
To: Brandel Kelsey <townclerk@berryvilleva.gov>
Subject: Fw: Friant- Battletown Run rezoning request for Berryville, VA

This is the only comment I have in writing

Willy Steinmetz
Berryville Town Council, Ward 1

Please forgive any typos. Sent from my phone.

From: Patricia Castelhana <patriciajcastelhano@gmail.com>
Sent: Wednesday, February 25, 2026 5:14:56 PM
To: Paul Perez <pperez@berryvilleva.gov>; William Steinmetz <wsteinmetz@berryvilleva.gov>
Subject: Fwd: Friant- Battletown Run rezoning request for Berryville, VA

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Good afternoon gentlemen,

I am writing you today because you are my Council member and represent the Ward in question. I just finished looking through the Friant proposal and while i'm sure they worked to make this into a "thing" we would feel good/better about as a town it just seems very McMansiony to me. Folks who come from afar and live in the McMansiony houses we already have tend to not really participate much in Berryville as a town - I've encountered so many folks that just go back over the mountain for things so they may feed our property taxes but they don't feed our town businesses or banks or fire station etc.. Maybe if there was a plan here to solve the housing issues we already have or help locals grow into new house - some way to add to the town instead of simply bringing in new folks I would understand the appeal. On top of that we already have water issues and resource issues - unless this brings enough money in to find new water and postal and power and etc. resources i don't see it as a net positive and would ask that you vote

no. I would happily hear any info you have to the contrary and will try and make it to the meeting in march
AND i wanted to be sure you heard my voice if only so I can say I tried.

Respectfully,

Patricia Castelhanao

[View this in your browser](#)

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* * * * *

February 25, 2026

Friant- Battletown Run rezoning request

Terry Russell

From: Mary Veilleux <mfveilleux@comcast.net>
Sent: Thursday, February 26, 2026 3:35 PM
To: Terry Russell
Subject: Planning Commission Work Session

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mr. Russell,

Would you be so kind as to forward this email to the members of the Planning Commission? Thank you so much!

Sincerely,
Mary Veilleux

Dear Planning Commission member,

I attended the work session Tuesday evening and wanted to send you my impressions and observations. For those members who do not know me, I am Mary Friant Veilleux and am keenly interested in what happens to the Friant property as do all my neighbors and friends on Battletown and Bel Voi Drives.

I will format my email in "bullet form" :

1. I did not count the number of times the engineer repeated the phrase, "when we met with staff"- since it was obvious there have been many meetings and many behind the door type of gatherings. Noticeably missing are the ones most affected by the development. It was very evident that there have been discussions and encouragement to proceed. To remind you , there was only ONE meeting which Julie Abrera and I helped organize at Crums Church in May for locals to have their say. I felt that we were "used" to get some talking points in for the engineer- which were totally misrepresented last night. Whew. A big disappointment.
2. The information from the developer has not been available online- so none of us attending could look beforehand to see what was going to be presented. The engineer gave us limited information , in that we couldn't read the screen; he didn't have the decency to correct a major error in the Development plan (revealing Rt 7 in the ridiculous position - through the housing...). Are we that unobservant?
3. From the engineer, I felt that his presentation was condescending and humiliating to our Town leaders- especially as he referred to "sloping angles": our BADA Got it "all wrong". My own impression was as if he were saying the following: And yes the hyperbole is used to get my point across.

“You country bumpkins! You morons ! You don’t even know how to do basic math! Here! Let me enlighten you with my wondrous ability to manipulate the numbers and show you that really many MORE houses can be built in this section- SEE? Please , do put your community’s interest and your resident’s interests aside as you listen to my marvelous calculations! Put aside common sense! Ignore the impact of 110 houses in a small rocky section near the railroad! Ignore that we are going to build unaffordable housing that no one in your community - teachers, police, firemen, etc. can afford! We are going to make the town tons of money at resident’s expense! As a matter of fact ,we are doing you a big favor- we could build over 138 homes! But we will have mercy on you little folks. Just listen to the experts!”.

4. I hope before the March 24 Public hearing, we will have plenty of time to look at the plan in all its detail-online.

5. Finally, the Town has seen 5 major developments in the past 25-plus years. All have been separate parcels- none have had to include an already established neighborhood like ours. My encouragement to the Planning Commission is to consider all these details when making your recommendations. Let’s learn from the past ! Let’s think of what do YOU /WE want for our town? Please, I urge you to resist what the developer’s desires are- to rezone the acreage. I urge you to recognize the land , the people, the town would be best served by sticking to the plan and limit the amount of houses in the western section to 81 or below.

6. I recognize that there will always be a conflict of interest for a small town in its desire to remain a tight, loving community- with a high dollar developer who makes its living on building high dollar homes.

7. Let’s get this one right!

Thank you,
Mary Veilleux
100 Battletown Drive

March 4, 2026

To: Planning Commission Members

Subject: Friant rezoning request/Twig Road Extension

I am writing with comments concerning the proposed project for development of a subdivision on the Friant property that is under consideration.

First, let me give you a bit of my history on Battletown Drive. I built and moved into a house at 102 Battletown in June 1986. I lived there from 1986 until I sold the property after my husband passed away in June of 2012. I moved to Broadway, Virginia for four years. My children wanted me to move back to be closer to them, so my son purchased my current home at 201 Battletown Drive in 2016 for me to live in. In total, I have lived on Battletown Drive for 36 years of my life.

I am one of two properties that will be affected by Twig Road extension: the other being the home of Lydia Russell at 119 Battletown.

Here are my concerns:

- My home has had water in the basement twice since 2016. The last one resulted in having water remediation company punch holes in drywall to remove/dry out area and tear out flooring. Subsequently I had to replace/repair drywall; replace flooring; replace electrical baseboard heaters and install a new sump pump. I understand that previous

owners had similar problems with flooding. *What will the building/paving of Twig Road do to the drainage issues? Will the water coming off the road cause more flooding problems in my basement?*

- *Where will the current location of the light pole go when the road is built? Will it be located directly in front of my home?*
- The home I am living in was built by John Friant, Sr. for his mother or mother-in-law. When I moved in in 2016, I went to the Court House to see if I could get a copy of the plat to show the property lines. According to the clerk there, a survey of the property had not been done since it was originally built in 1962 although it has passed through several owners to the current time. During those 60 years, the Friant's did not stake claim to the right of way between the two properties. The homeowners took care of mowing, etc., over the right of way. It was not until the Sr. Mr. Friant passed away, and the family decided to sell the property, (around five years ago) they had the right of way surveyed and started mowing the strip of land between the two properties. *I think there would be an argument that they had given up their right to retain the right of way because of 60 years of not claiming it. I know that would take a lot of money to hire a lawyer and take to court to fight their action of claiming now.*
- By opening Twig Road to Battletown Drive, traffic from the 24 homes proposed in this area would be coming to a

street which now is barely wide enough for two cars to pass. In addition, most of the homes along Battletown Drive have several cars per family and are parked along the right of way areas of the street. No one on the street that I know of wants sidewalks installed along an already narrow street. *Wouldn't it make more sense to extend Battletown Drive to meet up with the street being built on the right of way through Audley Farm property?*

In conclusion, let me say that I know the Friant property will eventually become additional homes for the town and from everything I have seen so far, the proposed builder seems to be better fitted for building quality houses. D. R. Horton has proved with the houses they have already built in the town that they are only here for the profit and their houses are poorly built.

As far as to what is approved concerning Twig Road, Lydia's property and my property are the two that will be most directly affected by what is decided. I ask for your careful consideration of this matter.

Sincerely,

Mary Jane Pierce

piercemaryjane@gmail.com

201 Battletown Drive

Terry Russell

From: Tim Sinclair <timsinclair85@gmail.com>
Sent: Thursday, February 26, 2026 2:24 PM
To: Terry Russell
Cc: Michael Bell Jr; William Gilpin; Patrick Irish; Dana Libby; Gwen Malone; Tom Parker; William Steinmetz
Subject: Re: Staff report for February 24

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Good Afternoon Everyone,

I have spent some time contemplating the discussion from Tuesday night regarding the Christopher Companies memo/presentation around the yield numbers for Sub-Area 13/14/15 (112 vs. 138). I was still trying to wrap my head around what I should and could think about it. After having time to reflect further I'm sharing my thoughts on this because I think it's really important and welcome any dialogue (if any) everyone would like to discuss. Feel free to take or leave any of this as you so like, and Terry if there is any perspective you want to provide from the Town please feel free to chime in as well.

While their data/presentation certainly provides convincing data, I think this is ultimately a challenge to policy, not just a technical discrepancy, and could impact future precedence for other developments and public perceptions. Since the Berryville Plan is the policy we are working with, I think we need to look to the plan for how it might deal with this.

The Berryville Area Plan is explicit that its land-use assumptions were established through a formal and joint Town–County process. The language of the plan is that these areas were identified, reviewed, and this number is not presented as a suggestion but as the adopted policy basis for evaluating development proposals. Equally important, the Plan warns against altering these assumptions in response to a single application: “Any update of this Plan should be through a careful and deliberate process and any ‘piecemeal’ Plan amendments offered in response to a specific development request or land use decision are discouraged.” (Section I-1)

I read this language as making it clear that if the developer believes the Plan’s slope assumptions or environmental constraints are outdated or inaccurate then the appropriate remedy is a formal Comprehensive Plan amendment, not a reinterpretation during a rezoning. The Plan provides a defined amendment process involving both the Town and County, and it is the only legitimate mechanism for changing adopted policy. Based on the brief correspondence that Terry shared from Brandon Stidham with the County, the view from his perspective representing the County is that the plan is the policy. If they want more density it should be viewed through the density qualifiers already listed in the Sub-Area descriptions.

My hesitancy with reinterpreting the yield tables for this request is that it would set a precedent allowing future applicants to challenge or reinterpret Plan assumptions to justify higher densities. Dana's closing comments were pertinent in that the plan governs long-term planning, as well as public trust, and

making one-off reinterpretations such as this may undermine the trust in the process even if we find their reasoning compelling.

For these reasons, I believe the most defensible and policy-consistent approach is to adhere to the Plan's stated yield of 112 homes, with full consideration for the density bonus outlined for these Sub-Areas. Determination should be on meeting those criteria unless and until the Plan is formally amended. This preserves the integrity of our planning framework and ensures that any changes to core assumptions occur transparently and with full public process.

Thank you for considering this perspective as we continue our review. I hope you all have a great rest of your week and weekend!

-Tim Sinclair
804-205-0808

On Mon, Feb 23, 2026 at 1:52 PM Terry Russell <planner@berryvilleva.gov> wrote:

Commissioners, I realized that I did not include my staff report in the Agenda Packet I sent you on Friday. Please see attached.

Terry Russell, CZA

Community Development Director

Zoning Administrator

Town of Berryville

101 Chalmers Court, Suite A

Berryville, VA 22611

540-955-4081

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Thanks,
-Tim Sinclair
804-205-0808

Sarah Stern

Good Evening.

I am Sara Stern, and I live on Taylor Street in Berryville. My family have been in Berryville for well-over 100 years, and for the most part, I have lived here as well. I worked for the Richmond Virginia Home Builder's Association for 11 years, and after that, co-owned a homebuilding company for 21 years, so I am familiar with the challenges.

At the risk of repeating some of the concerns that have already been made with respect to The Christopher Company's request for up-zoning the Friant Land to DR-4 in order to build 134 homes using Battletown Drive as the only means of ingress and egress and to build 24 homes on the eastern edge of the property with a road that comes out across from Clermont Farm very near the entrance onto the Rt. 7 by-pass, I would ask you to consider the **traffic and congestion** that will be created, and will greatly impact the residents of Battletown Estates as well as anyone that uses the roads on the east end of town for daily activities and commuting.

Any additional residential construction to the Town of Berryville, should be designed such that it can truly become part of the town, with sidewalks and more than one way in and out for traffic.

I realize that Berryville will not only continue to grow, but needs to grow. However, the east end of town is not the place to do it. In the near future, the state may degrade our ability to

make our own decisions about what we want our future zoning and growth to look like.

We need to plan ahead to add to the western part of town where any additional residential construction can truly be incorporated into the existing neighborhoods, and is within walking distance to the downtown, schools, and park. With a little foresight, proper planning, and community input **before** and not after a project is proposed.

I might even suggest that the town invest in hiring an urban planner that has worked with small towns to help enhance the culture, entice new businesses, help with ideas to take advantage of some of the buildings that already exist for additional more affordable housing and encourage any new construction to match the style and feeling of some of our older buildings and small homes, so that we don't end up with projects that all look alike - the same grey, tan, or blue 5-4 and a door houses with a row of front-load garages and white vinyl fences.

There are many examples of communities with winding roads to cut down on speeding, small homes with front porches, sidewalks and green spaces. Some even utilize small alleys for service vehicles and trash pick-up.

We are being squeezed by Loudoun and Frederick counties, both of which are developing with abandon.

I would urge The Town of Berryville to invest in planning for the future of what the citizens of the town and county want their county seat to look and feel like.

Many leading citizens that came before us have fought hard for us to have the kind of zoning that allows Clarke to stay mainly rural. We should be willing to put in the money and effort to keep it that way.

Town of Berryville, Virginia – Planning Commission

Public Hearing March 24, 2026 – RZ 01-25 (Friant)

Dana Libby, Commissioner, Town of Berryville Planning Commission

I want to focus on a few core issues that I believe are central to whether this rezoning should be recommended for approval.

First, there has been repeated reliance on what are described as ‘unused’ or ‘unbuilt’ development units from the Berryville Area Plan. I think we need to be very careful here. The comprehensive plan recognizes that some planned units have not been constructed, but it does not establish a system that allows those units to be shifted around to increase density without further review. In fact, the plan ties those densities to specific sub-areas, with conditions such as environmental constraints, transportation access, and compatibility with surrounding uses. Treating those unused units as a movable pool risks bypassing the very planning framework we are obligated to follow.

Second, this gets to the broader issue of consistency with the comprehensive plan and avoidance of spot zoning. The Berryville Area Plan is not just a suggestion—it is a long-standing policy document adopted by both the Town and the County to guide growth in a coordinated way. Property owners and residents reasonably rely on it. When we consider a rezoning that increases density in a particular location, we need to ask: Is this advancing the plan, or is it creating an exception that primarily benefits a single applicant?

Third, under Virginia law and our ordinance, a rezoning must serve the public welfare—not just enable additional development. Proffers can help address impacts, but they are intended to mitigate effects on the community, not to justify a rezoning that is otherwise inconsistent with the plan or creates new burdens. So the question for me is: what is the clear public benefit here in terms of health, safety, infrastructure, or long-term community planning?

Finally, I remain concerned about the historic and environmental context. Portions of this property were previously subject to a historic corridor overlay at the County level. While annexation may have changed the applicable regulatory framework, the underlying historic and environmental considerations do not disappear. The Area Plan itself emphasizes the protection of sensitive areas, viewsheds, and historic resources in these sub-areas. We should be cautious about moving forward without a clear understanding of how those values are being preserved.

In summary, I believe the key issue is not simply whether development should occur here, but whether this specific rezoning approach is consistent with the adopted plan, treats similarly situated properties fairly, and provides a demonstrable public benefit.

Those are the points I will be weighing as I consider whether to recommend approval.”

Terry Russell

From: Audra Wallace <audraw716@gmail.com>
Sent: Sunday, March 22, 2026 8:28 PM
To: Terry Russell
Subject: Concerns Regarding Proposed Zoning Change - Fryant property

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Planning Commission,

I am writing to express serious concern regarding the proposed zoning change that would allow for the construction of over 100 new homes with primary (and only) access via Battletown Drive.

This proposal raises significant safety and infrastructure issues that absolutely cannot be overlooked. Battletown Drive currently lacks basic features such as sidewalks and curbs, making it ill-equipped to handle a substantial increase in traffic, especially from a development of this scale. Introducing over 100 additional households through a single point of entry and exit is not only impractical, but irresponsible. It poses clear risks for residents, emergency response access, and overall traffic flow.

A development of this size demands careful planning and infrastructure improvements that align with the realities on the ground. As it stands, forcing this volume of traffic onto a road not designed to support it feels both unreasonable and unsafe. The absence of multiple access points further compounds concerns about congestion, evacuation in emergencies, and daily commuter strain.

I urge the Town to reconsider this zoning change or, at the very least, require substantial infrastructure upgrades and alternative access solutions before moving forward. Put in curb, gutter, and sidewalks for the entire length of Battletown and Bel Voi, and sidewalks from Battletown to train tracks. Find another access point. Don't do the same thing the Town did for Shenandoah Crossing - forcing people to drive through small older neighborhood with no sidewalks, putting those longtime residents at risk.

Bottom line. Growth should be managed responsibly, with the safety and quality of life of current residents as a top priority.

Thank you for your time and consideration.

Sincerely,

Audra J. Reed
105 Battletown Dr.
703-999-5813

Terry Russell

From: Jim Craig <jim.craig@craigsundecks.com>
Sent: Wednesday, March 25, 2026 5:41 PM
To: Terry Russell
Cc: bsnyder01@earthlink.net
Subject: Fwd: Fwd: Battletown Drive (rough draft)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Terry Russell
Planning Director
Town of Berryville

Mr. Russell,

I attended the planning meeting last night. After hearing all the compelling testimonies from Berryville's citizens, I would like to add a few concluding comments. I live at 1 Battletown Dr. and therefore have an intimate understanding of how traffic impacts the intersection of Battletown Dr. and E. Main Street. One very common theme I heard last night was the concern over added traffic from Christopher Companies' proposed plan to build greater than "by-right" density. For this reason alone, this current proposal needs to be denied. Even adding the maximum dwelling units currently allowed by-right would burden this small subdivision and the intersection at E. Main. Adding the traffic from the proposed 134 dwelling units to the small street of Battletown Dr. and this intersection, would overburden and make unsafe the ingress/egress for all citizens of the neighborhood as well as services and visiting guests. Traffic flows rapidly into and out of town on E. Main St. and drivers do not respect the 25 mph speed limit at this intersection. I worry for the safety of my friends, family, and neighbors if this proposal were ever allowed.

Christopher Companies should provide another means for access to their proposed subdivision. I heard them mention an emergency access via Black Twig. I suggest this road address the unsafe traffic flow created by the proposed subdivision and be installed permanently, not just for emergencies. I also understand that there may be a problem with Christopher's proposal to escrow money for future curb, gutter, and sidewalks due to VDOT guidelines that require much more distance to install than what is currently available in the right of way. Shouldn't Christopher already know these VDOT requirements? If so, they also knew this escrowed money would come right back to them as the additional safety measures necessary to protect the neighborhood would never get installed.

I do respect the comprehensive planning of our forefathers on the Berryville Area Development Authority and feel much more comfortable with the by-right zoning of this land. I do not feel compelled to allow any builder to push for a change to the current plan based on their financial evaluations. Thank you for considering my input.

Jim Craig
cell) 703-926-6400

Dear Members of the Planning Commission,

I am a property owner in the Town who is not available to attend the upcoming public hearings in person. I am sending this letter in the hope that my voice is heard, just like the people who are physically able to be there.

We watched as DR Horton tried to steamroll the town once again when they tried to pack houses into this Friant property. Thankfully, they were stopped.

Builders are just going to keep coming after this property.

The current layout seems a lot better than any other option I have seen.

Using a local builder to partner with seems like a much better plan.

Having DR Horton or a similar national builder has not been in the town's best interest.

Everyone says there is a housing shortage, which contributes to the ridiculously high prices we're seeing.

The town has an opportunity to shut the door on national builders coming here and creating havoc (ask anyone who lives in Hermitage). Work with the local builder so we don't have to keep going through this rezoning year after year.

Thank you for your time and consideration in this matter.

Russell Gilkison

301 Pickett Ct, Berryville, VA