

THE BERKELEY COUNTY PLANNING COMMISSION MINUTES

The Berkeley County Planning Commission met in a regular session on January 18, 2022 in the Council Chambers at 400 W. Stephen Street, Martinsburg, West Virginia.

1. CALL TO ORDER

The meeting was called to order at 6:00 p.m. by Linda Barnhart, presiding.

2. ROLL CALL

- a. PLANNING COMMISSION MEMBERS PRESENT: Linda Barnhart, Eddie Gochenour, Tim Lewis, Vickana Norton (on call), and Eric Goff.
- b. MEMBERS ABSENT: Derick Smith, Nic Diehl and Dan Gantt
- c. STAFF: Laura Hoffmaster, Planner; Monique Boots, Planner; Sarah Sandri, Administrative Assistant; Doug Smith, County Engineer; Anthony Delligatti, Legal Director; Brian Ross, Director of Community Development

3. APPROVAL OF THE AGENDA

Linda Barnhart introduced Brian Ross as the Director of Community Development. Brian Ross stated that the County Council voted to restructure the Planning Department. He stated he was offered the position of Director of Community Development, which will oversee engineering, planning, building inspections and permits department. He stated that the County Council also offered Laura Hoffmaster a senior planner position. He stated her responsibilities would include overseeing of the department with current staff of Monique Boots and Saran Sandri. He also stated that she would handle mainly the administrative tasks, and day-to-day interactions. He stated that he would oversee everything on top of that including accounts, training, and educations. He stated that there is room in the budget to add a Planner I position to work under Monique and Laura to keep the turnaround times at where they should be.

ACTION TAKEN: The motion was made by Eric Goff and seconded by Eddie Gochenour to approve the amended agenda. Call for question. The motion carried unanimously.

4. SUNSHINE LAW SPEAKER: None

5. APPROVAL OF MEETING MINUTES

- a. **ACTION TAKEN:** The motion was made by Eric Goff and seconded by Tim Lewis to approve the January 3, 2022 meeting minutes. Call for question. The motion carried unanimously.

6. PUBLIC HEARINGS

REQUEST FOR FINAL PLAT APPROVAL

a. Pebble Ridge, Section 5, Phase 3F, File# 2105-174

The property is located at the terminus of Duckwoods Lane, approximately 2000 feet west from Route 4-Ridge Road South.

The phase proposes 20 residential lots, on 12.34 acres. Lots 43 & 161-163 are to be served by private well and public sewer and lots 35-42, 136, 160 & 195-200 are to be served by public water and sewer.

Monique Boots read the description and project notes.

Chad Wallen was present representing the project.

There were no comments from the public.

Eddie Gochenour asked why some lots are on wells and not on public water.

Joe Collis answered that the water department stated that the water tower on Harlan Run was lower than the lots served and the 11 lots were shrunk down to 3 lots to have three wells.

ACTION TAKEN: The motion was made by Eric Goff and seconded by Eddie Gochenour to close the Public Hearing. Call for question. The motion carried unanimously.

ACTION TAKEN: The motion was made by Tim Lewis and seconded by Eric Goff to approve the Final Plat contingent upon receipt of surety in the amount of \$973,800.00 and a completed Developer's Agreement. Call for question. The motion carried unanimously.

REQUEST FOR WAIVER

b. Owens Self-Storage, File# 2112-444 tied to #2110-388

The site is located on Williamsport Pike (US Rt. 11), north of Grade Road (WV Rt. 1).

The developer is proposing a self-storage facility, on approximately 0.88 acres. Water and sewer utilities are not proposed.

Monique Boots read the description and project notes.
Dirk Stansbury was present representing the project.

There were no comments from the public.

ACTION TAKEN: The motion was made by Eric Goff and seconded by Eddie Gochenour to close the Public Hearing. Call for question. The motion carried unanimously.

ACTION TAKEN: The motion was made by Eddie Gochenour and seconded by Tim Lewis to approve the waiver to Section 801.1.10, of the Subdivision Ordinance (2009), requiring all driveways, which provide ingress and egress to off-street parking areas, to be paved with the following conditions:

1. Accessible parking spaces and accessible route to the office are Asphalt or Concrete surfaces.
2. That all SWM runoff volumes (quality & quantity) are designed for Asphalt or Concrete surfaces on all Storage Unit Drives that are proposed to be gravel.

Call for question. The motion carried unanimously.

c. Butler's Crossing Commercial, File# 2112-446

The site is located on Winchester Avenue (US Rt. 11) and Gerrardstown Road, in the Mill Creek District.

This project proposes a 44,540 sq. ft. grocery store with an adjacent 14,400 sq. ft. retail building on approximately 18 acres, to be served by public water and sewer.

Monique Boots read the description and project notes.
John Wright was present representing the project.

There were no comments from the public.

Eddie Gochenour asked what the hour rating is for the walls.

John Wright answered that the architect will comply with West Virginia's requirements. He stated it was to create a continuous shopping center and each will have its own wall, but they will meet the conditioned requirements.

Doug Smith answered that both walls will be a 2hour rated wall.

ACTION TAKEN: The motion was made by Eric Goff and seconded by Tim Lewis to close the Public Hearing. Call for question. The motion carried unanimously.

ACTION TAKEN: The motion was made by Tim Lewis and seconded by Eddie Gochenour to approve the waiver to Section 503.B, Table 5-2, of the Subdivision Ordinance (2009), requiring a 5' side setback with the following condition:

1. The fire rating of the applicant's wall, the adjacent wall, and separation space, if any, is in compliance with WV Fire Marshall's office.

Call for question. The motion carried unanimously.

REQUEST FOR MAJOR PLAN CHANGE APPROVAL

d. Meadows at Riverside, File #2010-284 tied to 2012-367 & 003-07

The property is located on the southwest side of Broad Lane and north side of Shale Pit Drive, in the Falling Waters Tax District.

The project proposes 261 single family detached lots; on approximately 73 acres, to be served by public water and sewer.

Monique Boots read the description and project notes.
Trevor Frederick was present representing the project.

There were no comments from the public.

ACTION TAKEN: The motion was made by Eddie Gochenour and seconded by Eric Goff to close the Public Hearing. Call for question. The motion carried unanimously.

ACTION TAKEN: The motion was made by Eddie Gochenour and seconded by Eric Goff to approve the advancement of the Major Plan Change to Final Plat stage. Call For question. The motion carried unanimously.

REQUEST FOR WAIVER

e. Butler's Crossing Commercial – Outparcel 5, File# 2112-453 tied to 2109-328

The site is located at the southwest corner of Middleway Pike (WV Rt. 51) and Sophronia Boulevard (traffic circle), in the Mill Creek District.

This project proposes a 12,550 sq. ft. retail building, with drive through, on approximately 1.8 acres, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.
Chad Wallen was present representing the project.

There were no comments from the public.

ACTION TAKEN: The motion was made by Eric Goff and seconded by Tim Lewis to close the Public Hearing. Call for question. The motion carried unanimously.

ACTION TAKEN: The motion was made by Tim Lewis and seconded by Eddie Gochenour to approve the waiver to Section 801, Table 8-1B, Category 15 "restaurant with drive through", of the Subdivision Ordinance (2009), to provide parking based on Category 16.b "general retail" with the following condition:

1. Place a note on the drawings; "Parking provided is on a shared basis at 5.1 per 1,000 sq. ft. Gross Floor Area (GFA) per ITE Land Use 820."

Call for question. The motion carried unanimously

7. PRELIMINARY/FINAL PLAT APPROVAL

a. Falling Waters Industrial Center – Lots 6B, 6C & 6D, File# 2110-376

The site is located at the intersection of Langston Boulevard and Lansdale Court.

The developer is proposing the creation of 3 parcels: Lot 6B (2.3 acres), Lot 6C (2.1 acres), and Lot 6D (2.8 acres). Lot 6C has an approved Sketch Plan for a warehouse, office space, axe toss and brewery, but Lot 6B and 6D does not have a proposed use.

Laura Hoffmaster read the description and project notes.
Steve Cvijanovich was present representing the project.

ACTION TAKEN: The motion was made by Eddie Gochenour and seconded by Tim Lewis to approve the Preliminary/Final Plat. Call for question. The motion carried unanimously.

b. Spring Mills Commons – Lot 32, File# 2112-441

The project is located on the east side of T.J. Jackson Drive, south of Hammonds Mill Road (WV Rt. 901).

The project proposes the creation of a 2 acre parcel and an 18.3 acre residue, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.
Steve Cvijanovich was present representing the project.

ACTION TAKEN: The motion was made by Eddie Gochenour and seconded by Tim Lewis to approve the Preliminary/Final Plat. Call for question. The motion carried unanimously.

8. REQUEST FOR RECONSIDERATION

a. Dollar General – Middleway Pike, File# 2111-412 tied to 2107-279

This site is located on Middleway Pike (WV Rt. 51), approximately 370 feet southeast of Three Run Road (CR 51/9), on the left.

The developer is proposing a 9,100 square foot Dollar General, on approximately 0.74 acres, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.
Rob Milne and Andy Haymaker were present representing the project.

Rob Milne stated that they had a meeting with DOH and discussed the issues that were brought to them by the public. He stated that discussed having a center turn lane and eliminating the left out. He stated that there would not be a need to require any more right of way if a canter lane was constructed.

Andy Haymaker stated that the site lines were discussed and they were able to work them out with DOH to make it safe for the public. He stated a median would be constructed to only allow right out.

Linda Barnhart asked Doug Smith if he wanted to add anything.

Doug Smith requested that if the waivers are approved that it would be sent back through engineering with a revised sketch with all the new information added because they have not seen anything on paper.

Laura Hoffmaster stated that the sketch plan has not been approved so both planning and engineering would review the revisions and it would be advertised for another public hearing.

Tim Lewis stated that he still has concerns about the traffic patterns. He stated that everyone makes a huge chance turning off Specks Run Road onto 51 and now adding two lanes of traffic would make it harder to turn out of there safely. He stated his concern has always been the distance from the intersection to the entrance of the Dollar General and there is not much space to make a decision. He stated there is another project in the same area that would cause more traffic concerns. He stated in his opinion the distance from the intersection and ingress and egress of the project is not in the best interest of the people traveling 51 and that live in that area.

Rob Milne stated that the entrance from the project is 350 to 375 feet from Specks Run Road.

Tim Lewis asked if they were using the same entrance that the previous owner used.

Mr. Milne answered that the previous owner used the entire front as an entrance. He stated that they narrowed it down to a standard ingress egress area.

Doug Smith asked if there would be adequate site distance for stopping both ways within the 85th percentile speeds, not for what is posted. He stated when it comes back in he will want to know Line of Sight is set for that speed in both directions. He stated if they know they cannot meet that, engineering might not be able to approve the sketch.

Linda Barnhart stated that if the waivers are granted, the sketch might still not meet engineering requirements because addition information has not been provided.

Andy Haymaker stated that they could do what Mr. Smith has asked. He stated that they could not continue the project without the variances being approved.

Laura Hoffmaster stated that the variances have nothing to do with the traffic safety and they are to the design to allow leniency with the retaining walls required for SWM. She stated that approving the requested waivers would not have any bearing on what Doug Smith is asking for because there are still questions on DOH permits and traffic safety and the waivers do not have anything to do with the traffic.

Andy Haymaker stated that DOH had big issues and was very concerned with the site. He stated that they came to agreement and DOH was comfortable with what they are now proposing. He stated that they would provide anything that is necessary to get the Sketch through.

Laura Hoffmaster stated that the variances are to design for planning and engineering review and they sketch will not be able to be approved without the variances.

Eddie Gochenour asked if there were any other variances to ask for besides a sidewalk. He stated that he does not think the project fits the area.

Andy Haymaker stated that the site is difficult. He stated that they are trying to make it work for the location. He stated that with the variances they could make it work. He stated that they are willing to do what it takes to make it happen.

Linda Barnhart stated that they are overlooking Engineering recommendations to approve the waivers and that is the only thing they are approving at this meeting. She stated Mr. Lewis' concerns would be dealt with at the next submission. She stated that they need to decide if they want to reconsider granting the waivers. She asked if they are approved what would be the next step.

Doug Smith stated that they would resubmit their sketch with another round of comments.

Tim Lewis asked if there would be a requirement for a Traffic Impact Study.

Doug Smith stated that unless DOH required it might be a reach for engineering to request one. He stated he would ask questions on the traffic because it does not seem like DOH has requested one.

Linda Barnhart asked about the wetlands.

Doug Smith stated that the wetlands are under DEP mitigation for them.

Mr. Haymaker stated that they tried to buy ROW access to have an entrance on to Specks Run Road, but they were unable to do that.

ACTION TAKEN: The motion was made by Vickana Norton and seconded by Eric Goff to approve the Request for Reconsideration for the following waivers 15' wetland buffer [Section 402.5.7], 25 parking spaces in lieu of the required 33 parking spaces [Section 801, table 8-1B, general retail area], 25' buffer with screening between commercial and residential properties (north and east property lines) [Section 802.1.b.i.a], and

Reduction in the front (75') and west side (15') setbacks [Section 503.B]. Call for question. The motion died with a vote 1-3.

ACTION TAKEN: The motion was made by Eddie Gochenour and seconded by Tim Lewis to deny the Request for Reconsideration for the following waivers 15' wetland buffer [Section 402.5.7], 25 parking spaces in lieu of the required 33 parking spaces [Section 801, table 8-1B, general retail area], 25' buffer with screening between commercial and residential properties (north and east property lines) [Section 802.1.b.i.a], and Reduction in the front (75') and west side (15') setbacks [Section 503.B]. Call for question. The motion carried with a vote 3-1.

9. STAFF/ COUNSEL DISCUSSION/ACTION/ MOTION

Anthony Delligatti stated that Derick Smith will be moving and asked that he submit a resignation letter.

10. ADJOURNMENT

ACTION TAKEN: The motion was made by Eric Goff and seconded by Eddie Gochenour to adjourn the meeting at 6:55 PM. Call for question. The motion carried unanimously.

Respectfully submitted,
Sarah Sandri
Administrative Assistant

Berkeley County Planning Commission Meeting Minutes, January 18, 2022.