

THE BERKELEY COUNTY PLANNING COMMISSION MINUTES

The Berkeley County Planning Commission met in a regular session on January 21, 2025 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 Laura Hoffmaster.

2. ROLL CALL

a. ELECTION OF OFFICERS

Laura Hoffmaster asked for nominations for President and Vice-President.

The motion was made by Eric Goff and seconded by Tim Lewis to nominate Linda Barnhart to continue as President. Call for question. The motion carried unanimously.

The motion was made by Vickana Norton and seconded by Eric Goff to nominate Tim Lewis as Vice-President. Call for question. The motion carried unanimously.

b. PLANNING COMMISSION MEMBERS PRESENT: Linda Barnhart, Mike Bush (Phone), John Hardy (Phone) Vickana Norton, Tim Lewis, and Eric Goff.

c. MEMBERS ABSENT: Dan Gantt, Ron Truitt and Troy Barrett

d. STAFF: Laura Hoffmaster, Senior Planner; Monique Boots, Planner; Sarah Sandri, Planner; Doug Smith, County Engineer; Anthony Delligatti, Legal Director.

3. APPROVAL OF THE AGENDA

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

4. SUNSHINE LAW SPEAKER: None

5. APPROVAL OF MEETING MINUTES

ACTION TAKEN: The motion was made by Eric Goff and seconded by Tim Lewis to approve the December 16, 2024 minutes. Call for question. The motion carried unanimously.

6. PUBLIC HEARINGS

REQUEST FOR SKETCH PLAN ADVANCEMENT

a. Hedgesville Family Medicine, File# 2405-130

The site will be located at the southwest corner of Hedgesville Road (WV Rt. 9) and Perdiz Road, approximately 80 ft. south from the intersection of Roaring Lion Drive and Hedgesville Road (WV Rt. 9).

The developer is proposing a 5,915 sq. ft. medical center (clinic) with parking on 1.45 acres, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.

Seth Roderick was present representing the project.

There were no comments from the public.

ACTION TAKEN: The motion was made by Eric Goff and seconded by Vickana Norton 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 advancement of the Sketch Plan to the Preliminary Plan stage. Call For question. The motion carried unanimously.

REQUEST FOR CONCEPT PLAN ADVANCEMENT

b. Dupont Road Substation, File# 2411-352

The site is located on Dupont Road (WV Rt. 14), approximately 0.35 miles southeast from its intersection with Williamsport Pike (US Rt. 11).

The project proposes the construction of a new electrical substation on 1.4 acres. Water and sewer utilities are not proposed.

Laura Hoffmaster read the description and project notes.
Josh Grubbs was present representing the project.

There were no comments from the public.

ACTION TAKEN: The motion was made by Eric Goff and seconded by Vickana Norton 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 advancement of the Concept Plan to the Detailed Site Plan stage. Call For question. The motion carried unanimously.

REQUEST FOR WAIVER

c. Forbes Dental, File# 2412-368 tied to 2412-367

The site is located on the north side of Tavern Road (WV Sec. Rt. 10/1), approximately 0.2 miles east of Rock Cliff Drive (WV County Rt. 10).

The developer is proposing a 168 sq. ft. addition to the existing building for the purpose of a dental office. This site is currently served by public water and sewer.

Laura Hoffmaster read the description and project notes.
Clint Rock was present representing the project.

There were no comments from the public.
Tim Lewis asked about the adjacent property owners.
Laura Hoffmaster answered that everything on that side of the road is commercial.

ACTION TAKEN: The motion was made Eric Goff and seconded by Vickana Norton 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 waiver to Section 504, Table 5-2, contingent on the following:

1. The front driveway apron and improvements should be setback 8' from the highway reserve dedication along the site's front property line.
2. All signage should be a minimum of 8' from the edge of highway reserve dedication.

Call for question. The motion carried unanimously.

ACTION TAKEN: The motion was made by Tim Lewis and seconded by Eric Goff to approve the waiver to Article 8, Table 8-1B, contingent on the drive aisle being 20' wide and clear of any building overhangs or appendages. Call for question. The motion carried unanimously.

ACTION TAKEN: The motion was made by Tim Lewis and seconded by Eric Goff to approve the waiver to Section 801.6.2, to allow for parking setback reductions, excluding the approval from the front driveway apron and parking entrance along Tavern Road. Call for question. The motion carried unanimously.

REQUEST FOR CONSIDERATION

d. Mills Meadows, File# 2412-374

The property is located on Near Bethels Way, approximately half a mile northeast from its intersection with Nadenbousch Lane (WV Rt. 34).

The project proposes 99 residential lots on approximately 17.12 acres, to be served by public water and sewer. The developer is requesting a two-year extension, which would extend the Preliminary Plan approval until February 16, 2027.

Monique Boots read the description and project notes.
Kenneth Miller was present representing the project.

Public Comment: Brandy Hogan, resident of Mills Farm, stated she is questioning why they are allowed to ask for another extension because they had already been granted a one-year extension. She stated the development will impact the neighborhood and the road cannot handle any more houses. She stated a traffic study was not done. She asked why they are asking for another extension when they were already told no.

Laura Hoffmaster answered that in the last ordinance they could not ask for a 2 or 3-year extension, only a 1 year extension. She stated the current 2024 Ordinance states it is negotiated between staff. She stated they asked for a 2 year extension, and staff is recommending approval of a one year extension based on the contract signed with the builder. She stated staff feels there should not be any problem having a final plat approved and recorded within a year time.

Doug Smith stated that the project will need updated permits, including DOH. He stated DOH may ask for a TIS.

Laura Hoffmaster stated that a TIS was never done for the project, but DOH could ask for one.

Kenneth Miller stated the request for the extension is just so the purchaser can move forward with getting the final plat approval. He stated they are aware of the permits that are required or may be required.

ACTION TAKEN: The motion was made by Eric Goff and seconded by Vickana Norton 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 a one-year extension, which would extend the Preliminary Plan approval until February 16, 2026. Call for question. The motion carried unanimously.

REQUEST FOR CONCEPT PLAN ADVANCEMENT

e. Frank Family Apartments, File# 2411-345

The project is located at 4159 Williamsport Pike.

The project proposes two (2) Multi-Family buildings (1st building to contain 36 units; 2nd building to contain 24 units) on 2.73 acres, to be served by Public water and Sewer.

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

Public Comment: Michael Gay, resident on Shooting Star Lane, stated he lives off Bedington Lane and he is concerned about the impact at the traffic light. He stated there are 99 townhouses getting ready to be constructed on Bedington Road, another 29 single-family homes on Davis Drive, the Steel Mill Plant. He stated without a delayed green light or another ingress or egress for the project you cannot get through the light trying to make a left turn.

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.

Trevor Frederick stated they consulted with DOH and they requested them to construct and install a dedicated left turn lane on Nipetown Road where it intersects with US 11.

Mike Bush expressed his appreciation to the Board of Education being involved in the Planning process. He stated it seems that the schools will be at capacity with or without the project and it may be helpful if the BOE gave an explanation of what they are doing and plans to do regarding the capacity issues.

Linda Barnhart stated they did have a meeting with the Board of Education. She stated they were not very forthcoming with future plans to accept additional students in any area of the county. She asked if the Planning Commission wanted to follow up with a letter to the Board of Education regarding plans the BOE has to address the capacity of the schools in the county.

Tim Lewis stated that he believes the Planning Commission should send a letter to the Board of Education, thank them for their involvement, and ask for the BOE for project plans for the next 3-5 years.

Linda Barnhart asked Laura Hoffmaster to draft a letter to the Board of Education.

ACTION TAKEN: The motion was made by Tim Lewis and seconded by Eric Goff to draft a letter to Dr. Saxe and the Board of Education to follow up on the future plans of the schools in Berkeley County. Call For question. The motion carried unanimously.

ACTION TAKEN: The motion was made by Tim Lewis and seconded by Eric Goff to approve the advancement of the Concept Plan to the Detailed Site Plan stage. Call For question. The motion carried unanimously.

7. REQUEST FOR FINAL PLAT DETERMINATION

a. Sader Residential Development – Section 1, Lots 1-11, 17-44 & 97-138, File #2409-280

The site is located off Sader Drive, near the intersection of Winchester Avenue (US Rt. 11) and Gerrardstown Road (WV Rt. 51).

The Final Plat proposes 81 single-family attached lots, on 17.9 acres, to be served by public water and sewer.

Monique Boots read the description and project notes.

Mike Roberts was present representing the project.

ACTION TAKEN: The motion was made by Tim Lewis and seconded by Eric Goff to accept staff recommendation for the Final Plat Determination and advertising of a public hearing for consideration of Final Plat Approval at the February 18, 2025 Planning Commission Meeting. Call for question. The motion carried unanimously.

8. STAFF/ COUNSEL DISCUSSION/ACTION/ MOTION

a. 2024 Comprehensive Plan Update- Public Hearing

Laura Hoffmaster stated that updates are mostly to Chapter 3 and 5A that would allow the County Commission to move forward with impact fees. She stated Brian Ross and she had a meeting with the Berkeley Group and they are going to start with the full update. She stated there is a timeline that will show how long the projected date will be. She stated right now, the updates are just to Chapter 3 and 5A for the County Commission.

John Hardy asked if the section this is being worked on is for impact fees.

Laura Hoffmaster answered that the purpose of the update is to come into compliance with the legislation that was passed to allow counties and jurisdictions without zoning to enact impact fees. She stated that

previously you had to have zoning and a comprehensive plan done every 10 years. She stated now the comprehensive plan has to be updated at least every 5 years along with other items. She stated this updated it just to come into compliance with that legislation.

Mr. Hardy asked for Clarification if the entire Comprehensive plan has to be updated or if just the section can be updated.

Laura Hoffmaster answered that is more of a legal question, but only chapter 3 and 5A were updated. She stated chapter 3 has the demographics for the county based on the 2020 census information and chapter 5A discuss impact fees.

Anthony Delligatti stated that the Local Powers Act allows the County Commission to impose impact fees requires that a new Comprehensive Plan be updated every 5 years. He stated it would be a new comprehensive plan, but it does not have to be completely changed, just an update.

John Hardy asked about the timeline.

Laura Hoffmaster stated they kicked off the meetings for the full update a few weeks ago and the projected end date is November 2026.

Mike Bush stated that he is in support with the light Comprehensive plan update. He stated that he hopes the Berkeley Group will consider the dynamic of Berkeley County right now and into the future where there will be pockets of growth and preservation. He stated he hopes they will plan an eye toward strategy toward greater enforcement mechanisms so that the Planning Commission might have a goal in addressing the concerns that are often in front of them related to Highway safety, public safety, educational issues, and agricultural preservation. He stated that he hopes the goals that come out of the full Comprehensive Plan update will actually provide some tools that would allow the Planning Commission to do things that are asked of them. He stated he supports the current update for the purpose as presented, but he wants to encourage the Berkeley Group to think more broadly about the issues and give the Planning Commission tools moving forward.

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 Eric Goff to advance the Comprehensive Plan update to the County Commisison. Call for question. The motion carried unanimously.

9. ADJOURNMENT

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

Respectfully submitted,
Sarah Sandri
Planner I

Berkeley County Planning Commission Meeting Minutes, January 21, 2025