

THE BERKELEY COUNTY PLANNING COMMISSION MINUTES

The Berkeley County Planning Commission met in a regular session on March 7, 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, Dan Gantt and Eric Goff (on call).
- b. MEMBERS ABSENT: Nic Diehl, Derick Smith and Vickana Norton
- c. STAFF: Laura Hoffmaster, Senior Planner; Sarah Sandri, Administrative Assistant; Doug Smith, County Engineer; Jeff Mauzy, Assistant Legal Director.

3. APPROVAL OF THE AGENDA

ACTION TAKEN: The motion was made by Dan Gantt and seconded by Eric Goff to approve the 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 Dan Gantt and seconded by Eric Goff to approve the February 22, 2022 meeting minutes. Call for question. The motion carried. Tim Lewis recused due to absence.

6. PUBLIC HEARINGS

REQUEST FOR CONSIDERATION

- a. **Shadow Hawk Properties WV LLC, File #2202-039 tied to #035-18**

The project is located at 436 Apple Harvest Drive in Glengary, approximately 0.4 miles from the Virginia state border.

The project proposes a professional training facility on approximately 149 acres (approximately 16.2 acres disturbed), to be served by private well and septic.

Laura Hoffmaster read the description and project notes.
Lynn Kasic was present representing the project.

There were no comments from the public.

Linda asked if there were disruptions in the supply chain.

Lynn Kasic answered that the company that was doing their work got pushed back on a few projects and that is why their project got pushed back. She stated that they reopened in May or June of 2020.

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

ACTION TAKEN: The motion was made by Eddie Gochenour and seconded by Dan Gantt to approve the Request for Consideration, and to extend the Preliminary Plan approval to April 1, 2023. Call for question. The motion carried unanimously.

REQUEST FOR SKETCH PLAN ADVANCEMENT

- b. **Project Atlas, File #2112-449**

The site is located south of the Eastern West Virginia Regional Airport, off of Novak Drive (WV Sec. Rt. 11/30), approximately a quarter of a mile east of Winchester Avenue (US Rt. 11).

The project proposes a 445,197 (approx.) square foot industrial data center with 20,000 square feet of office space, associated turbine yards, cooling yards and chiller plants.

Laura Hoffmaster read the description and project notes.

Anthony Verdi was present representing the project.

There were no comments from the public.

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

ACTION TAKEN: The motion was made by Dan Gantt and seconded by Tim Lewis to approve the advancement of the Sketch Plan to the Preliminary Plan stage. Call For question. The motion carried unanimously.

REQUEST FOR MAJOR PLAN CHANGE APPROVAL

c. Valley Storage - Inwood, File #2110-379

The site is located at 6610 Winchester Avenue, ¼ mile north of Washington Street.

The project proposes 3 new buildings, totaling 31,200 square feet, gravel parking, and a new entrance.

Laura Hoffmaster 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 Dan Gantt and seconded by Eddie Gochenour to close the Public Hearing. Call for question. The motion carried unanimously.

ACTION TAKEN: The motion was made by Dan Gantt and seconded by Tim Lewis to approve of the Major Plan Change and advancement to the Final Plat stage. Call For question. The motion carried unanimously.

REQUEST FOR CONSIDERATION

d. Winmar Estates, File# 2202-044

This site is located on the west side of Winchester Ave. (US Rt. 11), 0.25 miles south of Runnymede Road (WV Rt. 26).

The project proposes 87 townhome lots and 4 commercial lots, on 18.7 acres to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.

Howard Mann and Chad Wallen were present representing the project.

There were no comments from the public.

Eddie Gochenour asked what triggers a Traffic Impact Study. He stated that the last study was done in 2006 and there is probably a lot of change since then.

Doug Smith stated that it was vested and approved in 2006 and he can only ask for an updated DOH permit.

Howard Mann stated that DOH required them to add a turning lane that was not required in 2006. He stated that he believes that DOH looked at it again for the upgrades.

ACTION TAKEN: The motion was made by Eric Goff and seconded by Dan Gantt 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 Request for Consideration, and to extend the Administrative Plan Change. Call for question. The motion carried unanimously.

REQUEST FOR FINAL PLAT APPROVAL

e. Potomac Station PUD, Phase 3, Lots 229-236, File# 2201-023

The project is located on the northwest corner of the intersection of Interstate 81 and Hammonds Mill Road (WV Rt. 901).

The Final Plat proposes eight (8) single family attached lots, on approximately 0.60 acres, to be served by public water and sewer.

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

Dan Gantt recused himself due to conflict of interest but remained in the room to keep quorum.

Public Comment: David Jones, resident on Quebec Court, stated that they recently moved from Chicago and he is concerned about the traffic situation on 901 and Vantage View Drive. He stated that the intersection is dangerous and he wanted to make sure the Planning Commission is aware and hope that it is addressed.

Linda Barnhart stated that the Planning Commission does not have control over the roads and Entrance permits and traffic studies are done through Department of Highways.

Steve Cvijanovich stated that this project has 8 single family townhome lots that had an approved addendum to the DOH entrance permit. He stated that before improvements are required there is a threshold number of lots that needs to be reached. He stated that the lots that are a part of this project were commercial lots and the traffic should be less than if it was commercial.

Eddie Gochenour asked if there is a stop light at that intersection.

Steve Cvijanovich answered yes and a turning lane.

Doug Smith stated that DOH is planning major upgrades to this area to be completed around 2024.

ACTION TAKEN: The motion was made by Eddie Gochenour and seconded by Tim Lewis 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 Final Plat contingent upon receipt of surety in the amount of \$84,108.12 and a completed Developer's Agreement. Call for question. The motion carried unanimously.

Dan Gantt returned to the meeting.

REQUEST FOR SKETCH PLAN ADVANCEMENT

f. Butler's Crossing –Outparcel 5, File #2109-328

The site is located on the southwest corner of the Route 51 & Sophronia Boulevard intersection (Traffic circle).

The project proposes a commercial lot 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 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 Dan Gantt 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.

7. PRELIMINARY/FINAL PLAT APPROVAL

a. EAC Construction, LLC, File# 2201-015 tied to 2107-238

The site is located 300' east from the intersection of Charles Town Road (WV Rt. 115), on Van Clevesville Rd. (WV Sec. Rt. 9/19).

The developer is proposing the creation of one (1) 0.24 acre lot and one (1) 0.26 acre residue, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.
Greg Yebernetsky was present representing the project.

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

8. REQUEST FOR FINAL PLAT DETERMINATION

a. Spring Mills Commons - Lot 29B, File #2112-456

The property is located on the east side of TJ Jackson Drive, approximately 0.35 mile south of Hammonds Mill Road (WV RT 901).

The final plat proposes the creation of a 3.4 acre parcel, for the previously approved 210 storage units, which will not have water or sewer utilities.

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

Dan Gantt recused himself due to conflict of interest but remained in the room to keep quorum.

ACTION TAKEN: The motion was made by Eddie Gochenour and seconded by Tim Lewis to accept staff recommendation for the Final Plat Determination and advertising of a public hearing for consideration of Final Plat Approval at the April 4, 2022 Planning Commission Meeting. Call for question. The motion carried unanimously.

Dan Gantt returned to the meeting.

b. Arcadia Springs North, Section 1, Phase 5, Lots 22-47, File #2201-012

The property is located on Van Clevesville Road, approximately 2000' east of its intersection with Needy Road.

The developer is proposing 26 single family lots on approximately 7 acres, to be served by public water and sewer.

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

Eddie Gochenour asked what the remaining acreage is.
Chad Wallen answered that there is probably around 100 acres left. He stated that the entire build out will be around 600-700 lots.

ACTION TAKEN: The motion was made by Eddie Gochenour and seconded by Tim Lewis to accept staff recommendation for the Final Plat Determination and advertising of a public hearing for consideration of Final Plat Approval at the April 4, 2022 Planning Commission Meeting. Call for question. The motion carried unanimously.

c. Shepherds Cove, Section 2, File #2201-018

The property is located on Swift River Way; northeast of intersection of WV County Route 5 (Scrabble Road), and 5/6 (Cedar Lane).

The developer is proposing 6 single family lots to be served by private well and central sewer.

Laura Hoffmaster read the description and project notes.
Andy DiMagno was present representing the project.

ACTION TAKEN: The motion was made by Dan Gantt and seconded by Eddie Gochenour to accept staff recommendation for the Final Plat Determination and advertising of a public hearing for consideration of Final Plat Approval at the April 4, 2022 Planning Commission Meeting. Call for question. The motion carried unanimously.

d. Butler's Crossing Commercial, File #2107-346 tied to 2201-006

The site is located on Winchester Avenue (US Rt. 11) and Gerrardstown Road (WV Rt. 51).

The project proposes a 44,540 square foot grocery store (Lot 1G) with an adjacent 14, 400 square foot retail building (Lot 1F) on approximately 18.48 acres to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.
John Wright was present representing the project.

ACTION TAKEN: The motion was made by Eddie Gochenour and seconded by Dan Gantt to accept staff recommendation for the Final Plat Determination and advertising of a public hearing for consideration of Final Plat Approval at the April 4, 2022 Planning Commission Meeting. Call for question. The motion carried unanimously.

9. STAFF/ COUNSEL DISCUSSION/ACTION/ MOTION

10. ADJOURNMENT

ACTION TAKEN: The motion was made by Eric Goff and seconded by Dan Gantt to adjourn the meeting at 6:44PM. Call for question. The motion carried unanimously.

Respectfully submitted,
Sarah Sandri
Administrative Assistant