

THE BERKELEY COUNTY PLANNING COMMISSION MINUTES- Amended

The Berkeley County Planning Commission met in a regular session on July 7, 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 Linda Barnhart, presiding.

2. ROLL CALL

- a. PLANNING COMMISSION MEMBERS PRESENT: Linda Barnhart, John Hardy, Tim Lewis, Troy Barrett, and Mike Bush.
- b. MEMBERS ABSENT: Eric Goff, Vickana Norton, Dan Gantt, Ron Truitt
STAFF: Laura Hoffmaster, Deputy Director of Community Development; Sarah Sandri, Planner; Doug Smith, County Engineer; Anthony Delligatti, Legal Director.

3. APPROVAL OF THE AGENDA

ACTION TAKEN: The motion was made by Mike Bush and seconded by John Hardy 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 Mike Bush and seconded by John Hardy to approve the June 16, 2025 minutes. Call for question. The motion carried. Tim Lewis abstained due to absence.

6. PUBLIC HEARINGS

REQUEST FOR CONCEPT PLAN ADVANCEMENT

a. Dry Run Estates, File# 2503-068

The site is located off Shellbark Lane (WV Sec. Rt. 81/4), which is approximately 350' west of the intersection of Dry Run Road (WV Rt. 13) and the I-81 Southbound - Exit 14.

The developer is proposing 95 single-family lots and 244 townhome lots on 57.61 acres, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.
Scott Copen was present representing the project.

There were no comments from the public.

Tim Lewis asked if the project will be done in phases and asked when the build out will be.

Scott Copen answered that it would be done in Phases.

Doug Smith stated that the total build out should be completed by 2028.

Tim Lewis stated this will give the schools time to put something together.

John Hardy added that a large amount of students are not going to public schools and will attend charter schools, private, or will be homeschooled.

Doug Smith stated that not all homes will have students that will add burden to the school system.

Linda Barnhart stated they had a recent meeting with the superintendent and they stated they did not know how many students would be going to the charter schools.

John Hardy stated that the stated should be keeping track of the starting and ending numbers.

Tim Lewis asked if there has been an update from DOH.

Doug Smith stated there have been resubmittals but no decision on the TIS. He stated a light in that area is being frowned on, but a roundabout may be a potential solution.

Troy Barrett asked about the waiver.

Laura Hoffmaster answered it was a waiver for the lot width based on home type.

Mike Bush stated that the comprehensive plan should be considered, especially chapter 7-transportation and chapter 9b Public education. He stated that given the comments from the Board of Education for this project he fails to see much assurance that education will be provided. He stated that transportation, because Shell Bark is a dead end road, he does not believe the two entrance requirements satisfies the 2-entrance requirement because the entrances are at the end of a dead end road. He stated that he believes there are more questions that need to be asked prior to the project moving forward.

John Hardy asked if the project does not meet the subdivision regulations.

Mike Bush stated he is not sure if there are assurances of public transportation and education and he would like the developer to address those two areas of the comprehensive plan and the subdivision regulations. He stated he thinks the remedy could be give the plan back to the developer until the issues are remedied.

John Hardy asked if he believes the project should delayed because of the traffic or education issue.

Mike Bush answered both.

John Hardy asked when the proposed groundbreaking will be.

Scott Copen answered either later this year or spring of next year. He stated there are possible new projects in the area that may elongate the project because of the traffic impact. He stated that once the concept plan is approved they will be able to move on with the project and get some more of the questions answered. He stated if the concept plan is stopped, the entire process will be stopped. He stated that adding 339 more homes will add more tax revenue and will help the school board be able to build more schools.

Mike Bush stated that he doesn't want to unnecessary hold up a project, but he is not sure what the purpose of the concept plan is if they cannot hold the project for questions or more information.

John Hardy stated that it is burdensome to the developer to ask to hold up their project for outside agencies to update. He stated there will always be transportation and education issues, which are both functions of the state and not the county. He stated that the county has addressed it though impact fees, that the education system will get a part of. He stated he believes that the project will be burdened if it stopped because of things they cannot control. He stated it will be a group effort.

Mike Bush stated because of the new subdivision regulations and a project of the size coming to the concept stage is new. He stated that he was unaware of the DOH concerns with healthcare and there are other projects that may exacerbate the issues they are already seeing with transportation and education. He stated he believes it is the perfect time to pause and take a closer look at it to ask question. He stated that the applicant is aware that the comprehensive plan will be a part of the review. He stated the expectations would be that the parties involved should attend the public hearing with the information.

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

ACTION TAKEN: The motion was made by John Hardy and seconded by Tim Lewis to approve the advancement of the Concept Plan to the Detailed Site Plan stage. Call For question. The motion carried 3-2 with Linda Barnhart breaking the tie in favor. Mike Bush and Troy Barrett opposed.

b. Liberty Business Park, File# 2503-061

The project is located in the western quadrant of Banner Drive and Charles Town Road Intersection.

The project proposes a three commercial building development on 5.31 acres, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.

Ben Svedlow was present representing the project.

There were no comments from the public.

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

ACTION TAKEN: The motion was made by Mike Bush and seconded by Troy Barrett to approve the advancement of the Concept Plan to the Detailed Site Plan stage. Call For question. The motion carried unanimously.

c. Caperton Boulevard Flex Space, File# 2503-075

The project is located on the Northeast corner of Harlan Springs Road and Caperton Boulevard.

The project proposes a commercial development on 7.345 acres, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.

Gordon Poffenberger was present representing the project.

There were no comments from the public.

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

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

d. Vanville Church of Christ, File# 2501-014

The project is located on the northeast intersection of Airport Road (Rt.34/3) and Classic Vanville Road (Rt. 34/1).

The project proposes a one-story 10, 500 square foot church building with parking facility on 7.71 acres, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.

Matt Cloud was present representing the project.

There were no comments from the public.

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

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

REQUEST FOR WAIVER

e. Tuscarora Presbyterian Church, File# 2506-176

The site is located at 8278 & 8308 Tuscarora Pike approximately 1.5 miles west from the Interstate-81 interchange.

The developer is proposing the subdivision of an existing 1.99-acre lot, which currently has two separate structures on the parcel. The developer is proposing a 0.90-acre parcel for the dwelling at 8278 Tuscarora Pike and a 1.09-acre parcel for the church building at 8308 Tuscarora Pike. Both structures are currently served by separate private septic systems and share a well. The 1.09-acre lot (8308 Tuscarora Pike) is proposing a new well for the church building.

Laura Hoffmaster read the description and project notes.
Jeff DeLong was present representing the project.

There were no comments from the public.

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

ACTION TAKEN: The motion was made by John Hardy and seconded by Tim Lewis to approve the waiver to Article 5, Table 5-6 (Subdivision and Land Use Ordinance 2025) requiring a minimum of 60,000 sq. ft. for lots served by private well and septic. Call For question. The motion carried unanimously.

REQUEST FOR FINAL PLAT APPROVAL

f. Patriot Federal Credit Union – Spring Mills, File# 2409-293

The site is located at the northeast corner of the Brown Road (WV Sec. Rt. 11/12) and Williamsport Pike (US Rt. 11).

The developer is proposing a 2,895 sq. ft. bank with a drive-thru on 1.71 acres, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.
Doug Stouffer was present representing the project.

There were no comments from the public.

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

ACTION TAKEN: The motion was made by John Hardy and seconded by Tim Lewis to approve the Final Plat. The County currently holds a \$120,492.00 cash surety under grading permit file #2411-0151Call for question. The motion carried unanimously.

g. Webber Springs, Section 3, Phase 3B – Lots 319-338 & 359-364, File# 2503-086

The site is located along Middleway Pike (WV Rt. 51), approximately 1,800' south of Sulphur Springs Road (WV Rt. 4).

The Final Plat proposes 26 townhouse lots, on approximately 11.87 acres, to be served by public water and sewer.

Mike Roberts was present representing the project.

There were no comments from the public.
Tim Lewis asked how much of the project remains.
Mike Roberts answered there are 36 townhomes left, one more section.

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

ACTION TAKEN: The motion was made by Tim Lewis and seconded by Troy Barrett to approve the Final Plat contingent upon receipt of surety in the amount of \$300,560.26. Plat to be released upon receipt of surety and developer's agreement. Call for question. The motion carried unanimously.

h. Dupont Road Substation, File# 2501-020

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 Krebs was present representing the project.

There were no comments from the public.

Mike Bush asked if there are any public health concerns with the substation being so close to the soccer field, such as noise.

Josh Krebs answered that this location is a typical location substations are placed.

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

ACTION TAKEN: The motion was made by Tim Lewis and seconded by Troy Barrett to approve the Detailed Site Plan. Call for question. The motion carried unanimously.

7. STAFF/ COUNSEL DISCUSSION/ACTION/ MOTION

- a. Comprehensive Plan Update- Laura Hoffmaster stated she is working on getting all the requested information together. She stated there will be a joint work session on July 17.

8. ADJOURNMENT

ACTION TAKEN: The motion was made by Mike Bush and seconded by Tim Lewis to adjourn the meeting at 6:43pm. Call for question. The motion carried unanimously.

Respectfully submitted,
Sarah Sandri
Planner I