

## THE BERKELEY COUNTY PLANNING COMMISSION MINUTES

The Berkeley County Planning Commission met in a regular session on October 3, 2022 in the Council Chambers at 400 W. Stephen Street, Martinsburg, West Virginia.

### 1. CALL TO ORDER

The meeting was called to order at 6:02 p.m. by Tim Lewis, presiding.

### 2. ROLL CALL

- a. PLANNING COMMISSION MEMBERS PRESENT: Vickana Norton, Tim Lewis, Eddie Gochenour, and Eric Goff
- b. MEMBERS ABSENT: Linda Barnhart, Nic Diehl and Dan Gantt
- c. STAFF: Laura Hoffmaster, Senior Planner; Nate Emery, Planner I; Sarah Sandri, Administrative Assistant; 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 Eddie Gochenour 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 Eric Goff and seconded by Vickana Norton to approve the September 19, 2022 meeting minutes. Call for question. The motion carried unanimously.

### 6. PUBLIC HEARINGS

#### REQUEST FOR WAIVER

- a. **Big Springs Animal Hospital, File# 2207-200**

The property is located at 2279 Winchester Avenue, approximately 530' north of Evans Run Drive (WV Sec. Rt. 34/11).

The developer is proposing the creation of a 0.15 acre parcel (Parcel 21) and a 0.46 acre parcel (Parcel 21.1), which are both currently served by public water and sewer.

Laura Hoffmaster read the description and project notes.  
Brooke Perry was present representing the project.

Public Comment: Rev. Dr. Walter Jackson III, resident next to the property, stated that he is concerned about what will happen with the property. He stated that he has lived there since 1998 was not informed about the widening of the road and believes he was not treated fairly. He stated that he was under the assumption that the property on the other side that belonged to him and he found that the City of Martinsburg owned that property. He stated that he believes he would have access to his two parking spots through the Animal Hospital. He stated when the Corporation bought the property they were not as corporative with the parking. He stated he had to park on the grass if he had company. Eddie Gochenour stated he inquired about the driveway access to the property.

Laura Hoffmaster stated that the project has not been formally submitted as a Preliminary/Final so they have not been able to look at it but a comment would be to make sure there is proper access for the existing structures and both property owners will have to sign off on the plats. She stated that the waiver is just to allow them to go through the Preliminary/Final process because there is a major issue with two owners of one parcel with two deeds. She stated that the overflow parking would not be

something we would regulate and it would be something he would have to work out with the owner of the parcel. She stated that he would not be land locked.

Doug Smith stated there is an existing access easement that has already been recorded. He stated that would be looked at when the plans come in.

Brooke Perry stated she was unaware of any access issues.

**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 Eric Goff to approve the waiver to Section 305.4.1 of the Berkeley County Subdivision Ordinance (2009) requiring a 2 acre minimum lot size, in order to proceed through the Preliminary/Final process. Call for question. The motion carried unanimously.

#### **REQUEST FOR SKETCH PLAN ADVANCEMENT**

**b. Bunker Hill Water Treatment Plant, File# 2203-083**

The site is located at 97 Runnymead Road, approximately 500' west of its intersection with Winchester Avenue (US Rt. 11).

The project proposes the redevelopment and replacement of the existing water treatment plant, on approximately 2.8 acres.

Laura Hoffmaster read the description and project notes.

Jim Oulett 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 Eric Goff to approve the advancement of the Sketch Plan to the Preliminary Plan stage. Call For question. The motion carried unanimously.

#### **REQUEST FOR FINAL PLAT APPROVAL**

**c. Harvest Glen, Phase 2, Lots 3-10 & 26-31, File# 2204-104**

The site is located on Vicksburg Court and Creasey Way.

The Final Plat proposes 14 single-family lots on 9.6 acres, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.

Steve Cvijanovich 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 Eric Goff to approve the Final Plat contingent upon receipt of surety in the amount of \$417,480.00. Plat to be released upon receipt of surety. Call for question. The motion carried unanimously.

**d. Arcadia Springs North, Section 1, Phase 7, Lots 125-136, 229-237 & 266-274, File# 2207-216**

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

The final plat proposes 30 single family attached lots on approximately 5 acres, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.  
Ryan Perks 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 Vickana Norton and seconded by Eric Goff to approve the Final Plat contingent upon receipt of surety in the amount of \$493,116.00. Plat to be released upon receipt of surety and Developer's Agreement. Call for question. The motion carried unanimously.

**7. PRELIMINARY PLAN APPROVAL**

**a. Chem-Pak, Inc., File# 2205-146**

The site is located on the north side of Corning Way (WV RT. 11/21), approximately 1200' of its intersection with Winchester Avenue (US RT. 11).

This project proposes a 25,000 sq. ft. addition (Ph. I) and a future 55,000 sq. ft. addition, a 6,400 sq. ft. office addition, and additional parking (Ph. II), on approximately 21 acres, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.  
Dennie Dunlap was present representing the project.

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

**8. REQUEST FOR FINAL PLAT DETERMINATION**

**a. Baker's Crossing Townhome Subdivision, File #2205-132**

The project is located at the intersection of Charles Town Road (WV Rt. 115) and Ceramic Drive (WV Sec. Rt. 9/38).

The Final Plat proposes the development of 8 townhome lots, on 0.87 acres to be served by public water and sewer.

Nate Emery read the description and project notes.  
Brooke Perry was present representing the project.

**ACTION TAKEN:** The motion was made by Eddie Gochenour 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 November 7, 2022 Planning Commission Meeting. Call for question. The motion carried unanimously.

**b. Cardinal Pointe, Section 4, Phase 1, Lots 8-9, 98-127 & 145-146, File #2209-259**

The property is located along the north side of Hammonds Mill Road west of Saint Andrews Drive.

The Final Plat proposes 34 single family lots, on 9 acres, to be served by public water and sewer.

Nate Emery 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 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 November 7, 2022 Planning Commission Meeting. Call for question. The motion carried unanimously.

**c. Cardinal Pointe, Section 4, Phase 2, Lots 1-7, 128-139 & 147-152, File #2209-260**

The property is located along the north side of Hammonds Mill Road west of Saint Andrews Drive.

The Final Plat proposes 25 single family lots, on 6.8 acres, to be served by public water and sewer.

Nate Emery 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 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 November 7, 2022 Planning Commission Meeting. Call for question. The motion carried unanimously.

**d. Cardinal Pointe, Section 5, Phase 1, Lots 372-395, File #2209-261**

The property is located along the north side of Hammonds Mill Road west of Saint Andrews Drive.

The Final Plat proposes 24 villa lots, on 4.2 acres, to be served by public water and sewer.

Nate Emery 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 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 November 7, 2022 Planning Commission Meeting. Call for question. The motion carried unanimously.

**e. Cardinal Pointe, Section 5, Phase 2, Lots 326-341 & 420-431, File #2209-263**

The property is located along the north side of Hammonds Mill Road west of Saint Andrews Drive.

The Final Plat proposes 28 villa lots, on 6 acres, to be served by public water and sewer.

Nate Emery 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 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 November 7, 2022 Planning Commission Meeting. Call for question. The motion carried unanimously.

#### 9. STAFF/ COUNSEL DISCUSSION/ACTION/ MOTION

a. **The Lakes at Martinsburg, Phase 1 – Plan Change #5, File #2204-102**

The site is located along Weaver lane, approximately 0.5 mile west of its intersection with Williamsport Pike (US Rt. 11).

The Major Plan Change proposes the addition of 7 single family lots (188-194) on 1.6 acres, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.

Ryan Perks and Rick Fink were present representing the project.

Laura Hoffmaster stated after the staff report was created Keith Allison from DEP stated that there were sinkholes found, but his formal report has not been typed up yet. She stated that if there are sinkholes on site DEP is the entity that oversees that remediation.

Vickana Norton asked if the Liners were found to be in the ponds.

Ryan Perks stated that there will a geotech done, they have not had a chance to get them to the property yet.

Laura Hoffmaster stated there is a breakdown from the developer’s attorney set by step what has been done so far. She stated that they had a phone conference, but unfortunately MS4 could not attend and Keith Allison filled them in on some of the things that has been happening at the property.

Ryan Perks stated that the Major plan change is for seven lots and the roadways and infrastructure is already there so it is just 7 new home sites.

Laura Hoffmaster stated that the Planning Commission Members would see another Public Hearing for the Final Plat.

Tim Lewis stated by that time they will know more about the sinkholes.

**ACTION TAKEN:** The motion was made by Eddie Gochenour and seconded by Eric Goff to untable the Major Plan Change. Call For question. The motion carried unanimously.

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

- b. 2022 Subdivision Ordinance – A copy of draft Ordinance was given to the Planning Commission Members. Laura Hoffmaster stated the layout will be cleaned up once the edit were made by Planning Commission.

#### 10. ADJOURNMENT

**ACTION TAKEN:** The motion was made by Eric Goff and seconded by Eddie Gochenour to adjourn the meeting at 6:51 PM. Call for question. The motion carried unanimously.

Respectfully submitted,  
Sarah Sandri  
Administrative Assistant