



## **BERKELEY COUNTY PLANNING COMMISSION**

400 West Stephen Street - Suite 203, Martinsburg, WV 25401-3838

Telephone: 304-264-1963, Fax: 304-262-3127

Web Page: [www.berkeleywv.org](http://www.berkeleywv.org)

### **Berkeley County Planning Commission Agenda County Council Chambers December 3, 2018 @ 6:00 pm.**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF THE AGENDA
4. SUNSHINE LAW SPEAKERS
5. APPROVAL OF MEETING MINUTES
6. PUBLIC HEARINGS
  - a. The Woods, Remaining Lands – File #053-18 tied to 045-07, Waiver
  - b. Potomac Overlook Phases 1 & 2 Section 3 Lots 11-13, 35 – File #69-04 tied to 026-08, Final Plat
  - c. Potomac Overlook Phase 1 Section 4 Lots 2-5, – File #69-04, Final Plat
  - d. Overlook at Riverside Phase 1 Lots 1-13, 127-133, 179-193 – File #70-05, Final Plat
  - e. Estates of Tuscarora – File #47-17, Major Plan Change
7. PRELIMINARY PLAN APPROVAL
  - a. Van Clevesville Apartments – File #026-15, Preliminary Plan Approval
8. STAFF/COUNSEL DISCUSSION/ACTION/MOTION
9. ADJOURNMENT

**\*\*The Planning Commission reserves the right to re-arrange items on the agenda due to time constraints of the public or Commission\*\***



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**PUBLIC HEARING  
STAFF REPORT  
REQUEST FOR WAIVER  
December 3, 2018**

**Project:** The Woods-Remaining Lands

**File #:** 053-18

**Developer:** Potomac Valley Properties  
PO Box 5  
Hedgesville, WV 25427

**Engineer:** DiMagno Consulting, Inc.  
61 Eagle School Road  
Martinsburg, WV 25404

**District, Tax Map & Parcel #:** Hedgesville District, Map 19, Parcel 1

**Location:** The property Section 21 is located approximately 1.5 miles west of County Route 17 (Mountain Lake Road).

**Project Description:** The developer is requesting a waiver to Section 305.4.1 acreage requirement in which to proceed with a preliminary/final process.

**Administrative History:**

APPROVAL LETTERS	DATE RECEIVED
Berkeley County Health Department (Wells and Septic)	
Berkeley County Public Service Water District (Water Availability)	
Berkeley County Public Service Sewer District (Sewer Availability)	
State Health Department (Water)	
State Health Department (Sewer)	
Department of Highways (Entrance Permit) Letter Received	
Central Dispatch (Road Names) approved	
GPP Permit Application	
NPDES Permit Application	
*Traffic Study	
*School Impact Analysis	
Appendix C – Environmental Impact Checklist	

MEETINGS & SUBMISSIONS	DATE
<b>Waiver Requests</b>	
Waiver Requested	10/30/18
Waiver Request Advertised	11/7/18

Waiver Granted	
<b>Sketch Plan</b>	
Sketch Plan Submitted	
1 <sup>st</sup> Review Comments	
Sketch Plan Re-Submitted	
Sketch Plan Public Hearing Advertised	
Sketch Plan Advancement Meeting / Approved	
<b>Preliminary Plan</b>	
Preliminary Plan Submitted	
1 <sup>st</sup> Review Comments	
Preliminary Plan Re-Submitted	
Preliminary Plan Advancement Meeting / Approved	
<b>Final Plat</b>	
Final Plat Submitted	
1 <sup>st</sup> Review Comments	
Final Plat Re-Submitted	
Final Plat Determination Meeting	
Final Plat Public Hearing Advertised	
Final Plat Public Hearing	
Final Plat Approval	
Bond Reduction	

**Waivers/ Exceptions:** The developer is requesting a waiver to Section 305.4.1 acreage requirement in which to proceed with a preliminary/final process.

**Project Notes:** The current ordinance does not allow for subdivision of utilities that exist on parcels without subdivision of the land on which it exists. Further, in order to utilize a streamlined process (preliminary/final) a waiver to the lot size requirement becomes necessary.

**Engineer Report:** The county Engineer is in support of this waiver.

**Staff Recommendation:** Staff recommends approval of the waiver request to Section 305.4.1

Respectfully Submitted,  
The Planning Department

Attachment Waiver Justification & Illustration

## Three Requirements To Be Granted a Waiver

- 1. The conditions requiring the waiver are not the result of any self directed or deliberate physical action taken by the applicant which, had it not been taken, would have alleviated the need for the waiver request.***

The waiver is not being requested due to any deliberate actions. The water system has been existing for years.

- 2. The waiver will not be contrary to, the public interest, health, safety and welfare given the evidence that is presented.***

The waiver will not be harmful to the public interest or health.

- 3. Consistency and fairness in applying the Ordinance shall not be jeopardized or compromised.***

The Berkeley County Planning Commission has approved this same type of waiver in the past.



## BERKELEY COUNTY PLANNING COMMISSION

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Web Page: [www.berkeleycountycomm.org](http://www.berkeleycountycomm.org)

**PUBLIC HEARING  
STAFF REPORT  
REQUEST FOR FINAL PLAT APPROVAL  
December 3, 2018**

**Project:** Potomac Overlook Phase 1 & 2 Section 3, Lots 11-13, 35

**File #:** #69-04 & #026-08

**Developer:** Potomac Rock Estates, LLC  
9425 Atwood Road  
Vienna, VA 22182

**Engineer:** Fox & Associates, Inc.  
981 Mt. Aetna Road  
Hagerstown, MD 21740

**District, Tax Map & Parcel #:** Opequon District, Map 5, Parcel 4

**Location:** The property is located at the east side of Whitings Neck Road, approximately 400 feet south of Carlyle Road.

**Project Description:** The developer is proposing 4 single family lots on approximately 11.26 acres, to be served by private well and community sewer.

**Administrative History:**

Required Items	DATE RECEIVED
Covenants and Restrictions	9/4/2018
Bond Estimate	9/4/2018
Contingency items prior to Release	DATE
Bond/LOC/Covenants/Developers Agreement	9/4/2018
Plan Change Approval	6/7/2018
Final Plat	DATE
Final Plat Determination	11/5/18
Public Hearing Ad date	11/12/18
Final Plat Approval	
Bond Reduction	

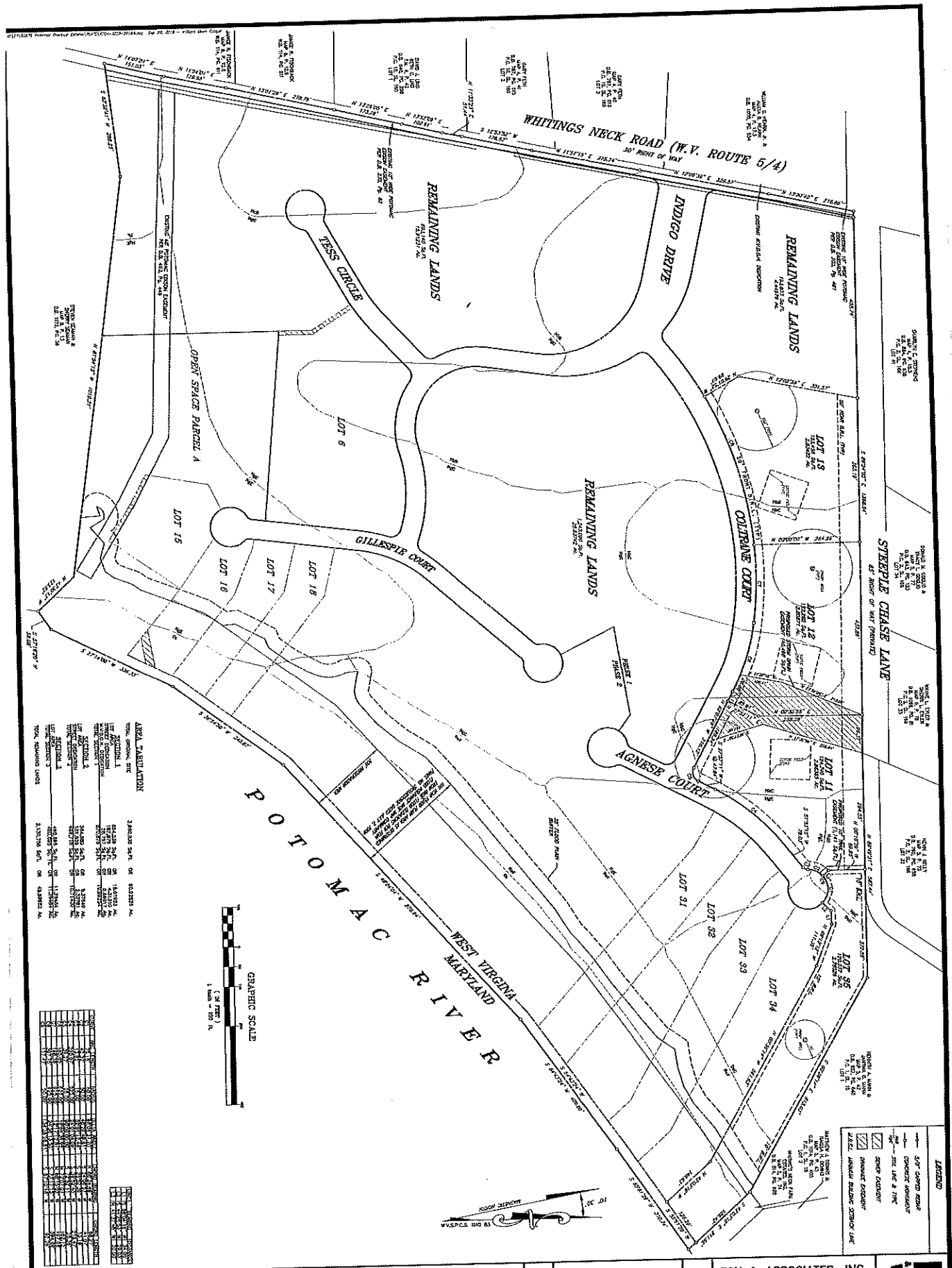
**Project Notes:** Final Plat Determination was approved on 11/5/2018.

**Staff Recommendation:** The Final Plat meets the requirements of the Subdivision Ordinance; therefore, Staff recommends Final Plat Approval contingent upon receipt of surety in the amount of \$2,280.00. Plat to be released upon receipt of surety.

Respectfully Submitted,  
The Planning Department  
Attachments:

Final Plat

December 3, 2018



**AREA TABULATION**

SECTION	ACRES	SQUARE FEET	TOTAL
SECTION 1	10.00	696,960	696,960
SECTION 2	10.00	696,960	1,393,920
SECTION 3	10.00	696,960	2,090,880
SECTION 4	10.00	696,960	2,787,840
SECTION 5	10.00	696,960	3,484,800
SECTION 6	10.00	696,960	4,181,760
SECTION 7	10.00	696,960	4,878,720
SECTION 8	10.00	696,960	5,575,680
SECTION 9	10.00	696,960	6,272,640
SECTION 10	10.00	696,960	6,969,600
SECTION 11	10.00	696,960	7,666,560
SECTION 12	10.00	696,960	8,363,520
SECTION 13	10.00	696,960	9,060,480
SECTION 14	10.00	696,960	9,757,440
SECTION 15	10.00	696,960	10,454,400
SECTION 16	10.00	696,960	11,151,360
SECTION 17	10.00	696,960	11,848,320
SECTION 18	10.00	696,960	12,545,280
SECTION 19	10.00	696,960	13,242,240
SECTION 20	10.00	696,960	13,939,200
SECTION 21	10.00	696,960	14,636,160
SECTION 22	10.00	696,960	15,333,120
SECTION 23	10.00	696,960	16,030,080
SECTION 24	10.00	696,960	16,727,040
SECTION 25	10.00	696,960	17,424,000
SECTION 26	10.00	696,960	18,120,960
SECTION 27	10.00	696,960	18,817,920
SECTION 28	10.00	696,960	19,514,880
SECTION 29	10.00	696,960	20,211,840
SECTION 30	10.00	696,960	20,908,800
SECTION 31	10.00	696,960	21,605,760
SECTION 32	10.00	696,960	22,302,720
SECTION 33	10.00	696,960	23,000,000
SECTION 34	10.00	696,960	23,696,960
SECTION 35	10.00	696,960	24,393,920
SECTION 36	10.00	696,960	25,090,880
SECTION 37	10.00	696,960	25,787,840
SECTION 38	10.00	696,960	26,484,800
SECTION 39	10.00	696,960	27,181,760
SECTION 40	10.00	696,960	27,878,720
SECTION 41	10.00	696,960	28,575,680
SECTION 42	10.00	696,960	29,272,640
SECTION 43	10.00	696,960	29,969,600
SECTION 44	10.00	696,960	30,666,560
SECTION 45	10.00	696,960	31,363,520
SECTION 46	10.00	696,960	32,060,480
SECTION 47	10.00	696,960	32,757,440
SECTION 48	10.00	696,960	33,454,400
SECTION 49	10.00	696,960	34,151,360
SECTION 50	10.00	696,960	34,848,320
SECTION 51	10.00	696,960	35,545,280
SECTION 52	10.00	696,960	36,242,240
SECTION 53	10.00	696,960	36,939,200
SECTION 54	10.00	696,960	37,636,160
SECTION 55	10.00	696,960	38,333,120
SECTION 56	10.00	696,960	39,030,080
SECTION 57	10.00	696,960	39,727,040
SECTION 58	10.00	696,960	40,424,000
SECTION 59	10.00	696,960	41,120,960
SECTION 60	10.00	696,960	41,817,920
SECTION 61	10.00	696,960	42,514,880
SECTION 62	10.00	696,960	43,211,840
SECTION 63	10.00	696,960	43,908,800
SECTION 64	10.00	696,960	44,605,760
SECTION 65	10.00	696,960	45,302,720
SECTION 66	10.00	696,960	46,000,000
SECTION 67	10.00	696,960	46,696,960
SECTION 68	10.00	696,960	47,393,920
SECTION 69	10.00	696,960	48,090,880
SECTION 70	10.00	696,960	48,787,840
SECTION 71	10.00	696,960	49,484,800
SECTION 72	10.00	696,960	50,181,760
SECTION 73	10.00	696,960	50,878,720
SECTION 74	10.00	696,960	51,575,680
SECTION 75	10.00	696,960	52,272,640
SECTION 76	10.00	696,960	52,969,600
SECTION 77	10.00	696,960	53,666,560
SECTION 78	10.00	696,960	54,363,520
SECTION 79	10.00	696,960	55,060,480
SECTION 80	10.00	696,960	55,757,440
SECTION 81	10.00	696,960	56,454,400
SECTION 82	10.00	696,960	57,151,360
SECTION 83	10.00	696,960	57,848,320
SECTION 84	10.00	696,960	58,545,280
SECTION 85	10.00	696,960	59,242,240
SECTION 86	10.00	696,960	59,939,200
SECTION 87	10.00	696,960	60,636,160
SECTION 88	10.00	696,960	61,333,120
SECTION 89	10.00	696,960	62,030,080
SECTION 90	10.00	696,960	62,727,040
SECTION 91	10.00	696,960	63,424,000
SECTION 92	10.00	696,960	64,120,960
SECTION 93	10.00	696,960	64,817,920
SECTION 94	10.00	696,960	65,514,880
SECTION 95	10.00	696,960	66,211,840
SECTION 96	10.00	696,960	66,908,800
SECTION 97	10.00	696,960	67,605,760
SECTION 98	10.00	696,960	68,302,720
SECTION 99	10.00	696,960	69,000,000
SECTION 100	10.00	696,960	69,696,960



DATE	12-22-22
PROJECT	POTOMAC OVERLOOK ESTATES
CLIENT	FOX & ASSOCIATES, INC.
DRAWN BY	J. B. BIRD
CHECKED BY	J. B. BIRD
SCALE	1" = 100'
SHEET	2 OF 2

**FINAL PLAT**  
**POTOMAC OVERLOOK ESTATES**  
**PHASE 1 & 2 - SECTION 3**  
**LOTS 11-13 & 35 (4 LOTS)**  
 SITUATE ON THE EAST SIDE OF WHITTINGS NECK ROAD  
 MARTINSBURG, BRAXLEY COUNTY, WEST VIRGINIA

DATE: \_\_\_\_\_ REVIEW: \_\_\_\_\_ DRAWN BY: \_\_\_\_\_

**FOX & ASSOCIATES, INC.**  
 ENGINEERS • SURVEYORS • PLANNERS  
 881 W. BEVA ROAD  
 WASHINGTON, MD 21740  
 PHONE: (301) 733-8353  
 FAX: (301) 733-8353  
 82 HURDING MILL COURT  
 STATE 10  
 FREDERICK, MD 21701  
 PHONE: (301) 958-0660  
 FAX: (301) 733-0399





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## PUBLIC HEARING STAFF REPORT REQUEST FOR FINAL PLAT APPROVAL December 3, 2018

**Project:** Potomac Overlook Phase 1 Section 4, Lots 2-5

**File #:** #69-04

**Developer:** Potomac Rock Estates, LLC  
9425 Atwood Road  
Vienna, VA 22182

**Engineer:** Fox & Associates, Inc.  
981 Mt. Aetna Road  
Hagerstown, MD 21740

**District, Tax Map & Parcel #:** Opequon District, Map 5, Parcel 4

**Location:** The property is located at the east side of Whitings Neck Road, approximately 400 feet south of Carlyle Road.

**Project Description:** The developer is proposing 4 single family lots on approximately 13.12 acres, to be served by private well and community sewer.

### Administrative History:

Required Items	DATE RECEIVED
Covenants and Restrictions	9/4/2018
Bond Estimate	9/4/2018
Contingency items prior to Release	DATE
Bond/LOC/Covenants/Developers Agreement	9/4/2018
Plan Change Approval	6/7/2018
Final Plat	DATE
Final Plat Determination	11/5/18
Public Hearing Ad date	11/12/18
Final Plat Approval	
Bond Reduction	

**Project Notes:** Final Plat Determination was approved on 11/5/2018.

**Staff Recommendation:** The Final Plat meets the requirements of the Subdivision Ordinance; therefore, Staff recommends Final Plat Approval contingent upon receipt of surety in the amount of \$3,360.00. Plat to be released upon receipt of surety.

Respectfully Submitted,  
The Planning Department  
Attachments:

Final Plat

December 3, 2018







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**PUBLIC HEARING  
 STAFF REPORT  
 REQUEST FOR FINAL PLAT APPROVAL  
 December 3, 2018**

**Project:** Overlook at Riverside (formerly Riverside South) Lots 1-13, 127-133, 179-193

**File #:** 70-05

**Developer:** Rotz Family Limited Partnership  
 Rob Rotz  
 9729 Garis Shop Road  
 Hagerstown, MD 21740

**Engineer:** Frederick, Seibert & Associates  
 Ed Schreiber  
 128 S. Potomac Street  
 Hagerstown, MD 21740

**District, Tax Map & Parcel #:** Falling Waters, Map 7, Parcel 160.3

**Location:** East side of Williamsport Pike, 800 Feet South of the I-81 interchange at the end of Corporate Drive.

**Project Description:** This final plat proposes 20 single family and 16 townhome lots approximately 88 acres to be served by public water and sewer.

**Administrative History:**

Required Items	DATE RECEIVED
Covenants and Restrictions	11/27/2018
Bond Estimate	11/27/2018
Contingency items prior to Release	DATE
Bond/LOC/Covenants/Developers Agreement	Developer's Agreement Pending
Plan Change Approval	4/2/2018
Final Plat	DATE
Final Plat Determination	11/5/18
Public Hearing Ad date	11/12/18
Final Plat Approval	

**Project Notes:** Final Plat Determination was approved on 11/5/2018.

**Staff Recommendation:** The Final Plat meets the requirements of the Subdivision Ordinance; therefore, Staff recommends Final Plat Approval contingent upon receipt of surety in the amount of \$847,014.00. Plat to be released upon receipt of surety.

Respectfully Submitted,  
 The Planning Department

**Attachments:** Final Plat





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### PUBLIC HEARING STAFF REPORT REQUEST FOR MAJOR PLAN CHANGE APPROVAL December 3, 2018

**Project:** Estates at Tuscarora (formerly Beard Farm)

**File #:** #047-17 (Tied to File #019-06)

**Developer:** Garrett  
524 Ruben's Circle  
Martinsburg, WV 25404

**Engineer:** DA Stansbury Engineering PLLC  
3 Sue Court Suite B  
Martinsburg, WV 25405

**District, Tax Map & Parcel #:** Hedgesville District, Map 40, Parcel 2 & 4

**Location:** The site is located 1000 feet from the intersection of Thatcher Road (WV Route 16) and Tuscarora Pike (WV Route 15).

**Project Description:** This project is proposing a plan change to the previous plan titled "Beard Farm Estates". This proposed plan is decreasing the density from 93 lots to 61 proposed lots, decreasing impervious surface, and increasing lot sizes. All lots will be served by private well and septic systems.

#### Administrative History:

Approval Letters	Date Received
Berkeley County Health Department (Wells and Septic)	5/11/2018
Berkeley County Public Service Water District (Water Availability)	N/A
Berkeley County Public Service Sewer District (Sewer Availability)	N/A
State Health Department (Water)	N/A
State Health Department (Sewer)	N/A
Department of Highways (Entrance Permit)	10/11/2018
Central Dispatch (Road Names)	10/30/2018
GPP Permit Application	11/17/2017
NPDES Permit Application	7/20/2018
*Traffic Study	N/A
*School Impact Analysis	N/A
<b>MEETINGS &amp; SUBMISSIONS</b>	
<b>Meetings &amp; Submissions</b>	<b>DATE</b>
Pre-Application STAC Meeting	12/13/05
Major Plan Change Submitted	11/17/2017
	12/11/2017 – P
1st Review Comments	2/15/2018 – E

December 3, 2018

Preliminary Plat Resubmitted	5/11/2018
	5/24/2018 – P 8/8/2018 – E
2 <sup>nd</sup> Review Comments	
Preliminary Plat Resubmitted	9/18/2018
	10/03/2018 – P 10/23/2018 – E
3 <sup>rd</sup> Review Comments	
Advertised	11/12/2018
Public Hearing (Preliminary Plat/Site Plan Approval)	12/03/2018
<b>Final Plat</b>	<b>Date Received</b>
Final Plat Submitted	
1st Review Comments	
Response to Comments Received	
Planning Complete	
Engineering Complete	
Final Plat Determination Meeting	
Final Plat Advertised	
Final Plat Approved	

**Waivers/ Exceptions:** The developer is requesting an exception to Section 705 of the Subdivision Ordinance (2009) requiring installing sidewalks.

**Project Notes:** This plan change revises 61 single family lots to be served by private well and septic.

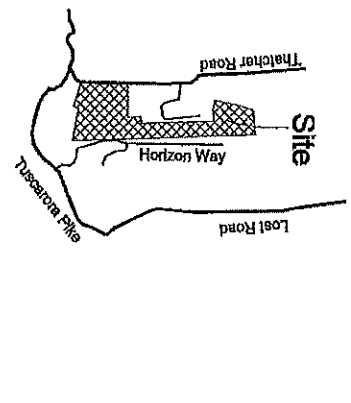
**Engineer Report:** On October 23, 2018, the County Engineer, Jim Golden, issued a letter of completion and found the project to be in compliance with the Berkeley County Subdivision Ordinance.

**Staff Recommendation:** Staff recommends granting the sidewalk exception and with the sidewalk exception, the Major Plan Change meets the requirements of the Subdivision Ordinance (2009); therefore, Staff recommends approval of the Major Plan Change and advancement to Final Plat stage.

Respectfully Submitted,  
The Planning Department

Attachment: Preliminary Plan & Sidewalk Exception

# Vicinity Map - 1" = 2000'



## SITE WORK MILESTONE INSPECTIONS:

- The developer and project county Engineer Inspection milestone of all items is advised (Call 304-644-1366). Inspections shall be required but not limited to the following schedule shown below:
1. Installation of sediment & siltation control systems.
  2. Insuring outdoor parking lot, storage area, and prior to placing water table.
  3. Retaining wall/retaining pile system prior to placing asphalt base.
  4. Insuring proper and adequate storm water management and control by owner, architect, engineer/contractor.
  5. Final inspection, including 20% and final 100% of building, roadway & parking lot, before final payment made to contractor.
  6. Final inspection, including 20% and final 100% of building, roadway & parking lot, before final payment made to contractor.
  7. Final inspection, including 20% and final 100% of building, roadway & parking lot, before final payment made to contractor.

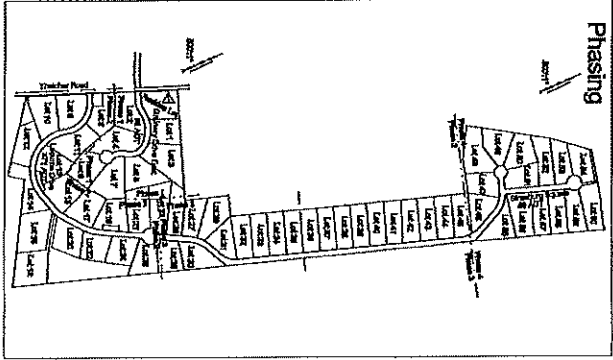
## General Notes:

1. Total Lot Area - 4,296,998 SF ~ 98,414.5 Acres
2. Total R/W Area - 424,822 SF ~ 9.7457 Acres
3. R/W Dedication to WV DOR - 12,419 SF ~ 0.2851 Acres
4. SWM Area - 189,507 SF ~ 4.3505 Acres
5. Resealability Areas - 12,346 SF ~ 0.2834 Acres
6. Total Subdivision Area - 4,642,176 SF ~ 111,106.6 Acres
7. Residence Area - 63,556 SF ~ 1.4182 Acres
8. Building Restriction Lines are to be 20' Front & Rear, 10' Side, Unless otherwise shown.
9. The lots shown hereon are to be served by individual Septic Areas.
10. The lots shown hereon are to be served by individual Well Sites.
11. Gross Density - 60 Lots ~ 0.5305 Lots/Acre
12. The State shown hereon does not lie within the 100 yr Flood Plain as per F.I.M., Reale Map 5403C0135E Dated July 7, 2008. The Site lies within Zone "X" Area outside of the 500 yr Flood Plain.
13. No Encroachments within 1000' of property.
14. Each lot shall have two 10' wide 20' deep parking spaces provided on the lot, this parking area will be provided outside any road row, two (2) parking spaces provided per lot as per Table 8-1-A.

NOTE: See also the following sections: WV Code, Chapter 20, Article 1, Section 1-1-1.

NOTE: Original plan Beard Farm Estates approved by Planning Commission Nov. 9, 2009

## Phasing



## Plan Change:

- Developer of changes from previously approved plan:
1. Revised Lot Dimensions - 175'
  2. Revised Lot Dimensions - 175'
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## Plan Change

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CONSTRUCTION CERTIFICATE

Re: Subdivision of Tract(s) of Land to be hereby certified that:

1. As shown on the plat, subdivision, and development, will be conducted in strict accordance with the approved plan.
2. The proposed subdivision and development will be conducted in strict accordance with the approved plan.
3. The proposed subdivision and development will be conducted in strict accordance with the approved plan.
4. The proposed subdivision and development will be conducted in strict accordance with the approved plan.

STATE OF WEST VIRGINIA, OF LAND

THE RESPECTIVE SUBSECTOR HAS ACCORDANCE BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2011.

NOTARY PUBLIC

OWNERS CERTIFICATE

I, the undersigned, being the owner of the above described land, do hereby certify that the same is being subdivided and developed in strict accordance with the approved plan.

DATE: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_

STATE: \_\_\_\_\_

ZIP: \_\_\_\_\_

DATE: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_

STATE: \_\_\_\_\_

ZIP: \_\_\_\_\_

APPROVED FOR CONSTRUCTION

DATE: \_\_\_\_\_

BY: \_\_\_\_\_

PLANNING COMMISSION

APPROVED FOR CONSTRUCTION

DATE: \_\_\_\_\_

BY: \_\_\_\_\_

PLANNING COMMISSION

## ESTATES OF TUSCARORA

### Coversheet

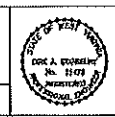
### Plan Change

Map 40 Par. 02-34/DB1123 P4440 & Map 87 Par. 10-07/DB1123 P4440

DRAWN BY: MAB

CHECKED BY: \_\_\_\_\_

DATE: \_\_\_\_\_



Owner / Developer  
 Estates of Tuscarora  
 524 Roberts Circle  
 Martinsburg, WV 25404  
 304 - 276 - 8798

**D. A. Stansbury Engineering, PLLC**

3 Sue Court Suite B  
Martinsburg, WV 25406  
304-671-4766  
stansbury.pe@gmail.com

March, 2018

Berkeley County Planning Commission Members

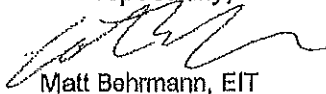
RE: Estates of Tuscarora 047-17, Request for exception

Planning Commission,

On behalf of our Major Plan Change for Estates of Tuscarora Subdivision, we are requesting relief from the requirement to place a sidewalk/trail along the state highways. No other sidewalks exist along Thatcher Road, or in the area, and no walk generating facilities (schools, parks, shopping centers) are in the vicinity of this project

Thank you for your consideration in this matter.

Respectfully,



Matt Behrmann, EIT

MAR 27 2018  
Berkeley County  
Planning Commission

MAR 27 2018  
Berkeley County  
Planning Commission



## BERKELEY COUNTY PLANNING COMMISSION

400 West Stephen Street - Suite 203, Martinsburg, WV 25401-3838

Telephone: 304-264-1963, Fax: 304-262-3127

Web Page: [www.berkeleywv.org](http://www.berkeleywv.org)

**PUBLIC HEARING  
STAFF REPORT  
REQUEST FOR PRELIMINARY PLAN APPROVAL  
December 3, 2018**

**Project:** Van Clevesville Apartments

**File #:** #026-15

**Developer:** Baker Heights Properties II, LLC  
PO Box 638  
Lynchburg, VA 24505

**Surveyor:** K & D Development LLC  
14712 Barton Blvd. SW  
Cumberland, MD 21502

**District, Tax Map & Parcel #:** Arden District, Map 11, Parcel 46

**Location:** The site is located on WV Route 9/18 (Van Clevesville Road), approximately 0.25 miles east of its intersection of WV Route 9/59 (Charles Town Road), in the Arden Tax District.

**Project Description:** The project proposes sixty-four (64) apartment units on approximately 6.4 acres.

**Administrative History:**

APPROVAL LETTERS	DATE RECEIVED
Berkeley County Health Department (Well and Septic)	N/A
Berkeley County Public Service Water District (Water Availability)	10/30/2018
Berkeley County Public Service Sewer District (Sewer Availability)	10/30/2018
State Health Department (Water)	10/30/2018
State Health Department (Sewer)	10/30/2018
Department of Highways (Entrance Permit) Letter Received	10/30/2018
Central Dispatch (Road Names) approved	5/31/2018
GPP Permit Application	5/31/2018
NPDES Permit Application	N/A
*Traffic Study (Stone Crest PUD Ph.1)	N/A
*School Impact Analysis	11/30/2015
Appendix C – Environmental Impact Checklist	11/30/2015

<b>MEETINGS &amp; SUBMISSIONS</b>	<b>DATE RECEIVED</b>
<b>Waiver Requests</b>	
Waiver Requested	9/9/2015
Waiver Request Advertised	9/24/2016
Waiver Granted	10/5/2015
<b>Sketch Plan</b>	
Sketch Plan Submitted	11/30/2015
1 <sup>st</sup> Review Comments	12/7/2015-P 12/9/2015-E
Sketch Plan Re-Submitted	1/12/2016
Sketch Plan Public Hearing Advertised	4/18/2016
Sketch Plan Advancement Meeting / Approved	5/2/2016
<b>Preliminary Plat</b>	
Preliminary Plat Submitted	8/10/2016
1 <sup>st</sup> Review Comments	8/16/2018 – P 8/31/2018 – E
Preliminary Plat Re-Submitted	7/17/2017
2 <sup>nd</sup> Review Comments	7/26/2017 – P
Preliminary Plat Re-Submitted	12/27/2017
3 <sup>rd</sup> Review Comments	1/4/2018 – P 1/24/2018 – E
Preliminary Plat Re-Submitted	5/31/2018
4 <sup>th</sup> Review Comments	6/15/2018 - P
Preliminary Plat Re-Submitted	10/30/2018
<b>Final Plat</b>	
Final Plat Submitted	
1 <sup>st</sup> Review Comments	
Final Plat Re-Submitted	
Final Plat Approved	

**Waivers/ Exceptions:**

The developer was granted a waiver to Section 801 Table 8-1A #7 (Off-Street Parking) of the 2009 Subdivision Ordinance, to reduce the number of parking spaces for multi-family/apartments from 2.5 spaces per apartment unit down to 2.0 spaces per apartment unit. The waiver was approved by the Berkeley County Planning Commission on October 5, 2015.

**Project Notes:**

The project proposes eight (8) apartment buildings, with eight (8) units each, with associated parking and open space on approximately 6.4 acres. Access to the site will be provided off of Van Clevesville Road (Route 9/18).

**Engineer Report:**

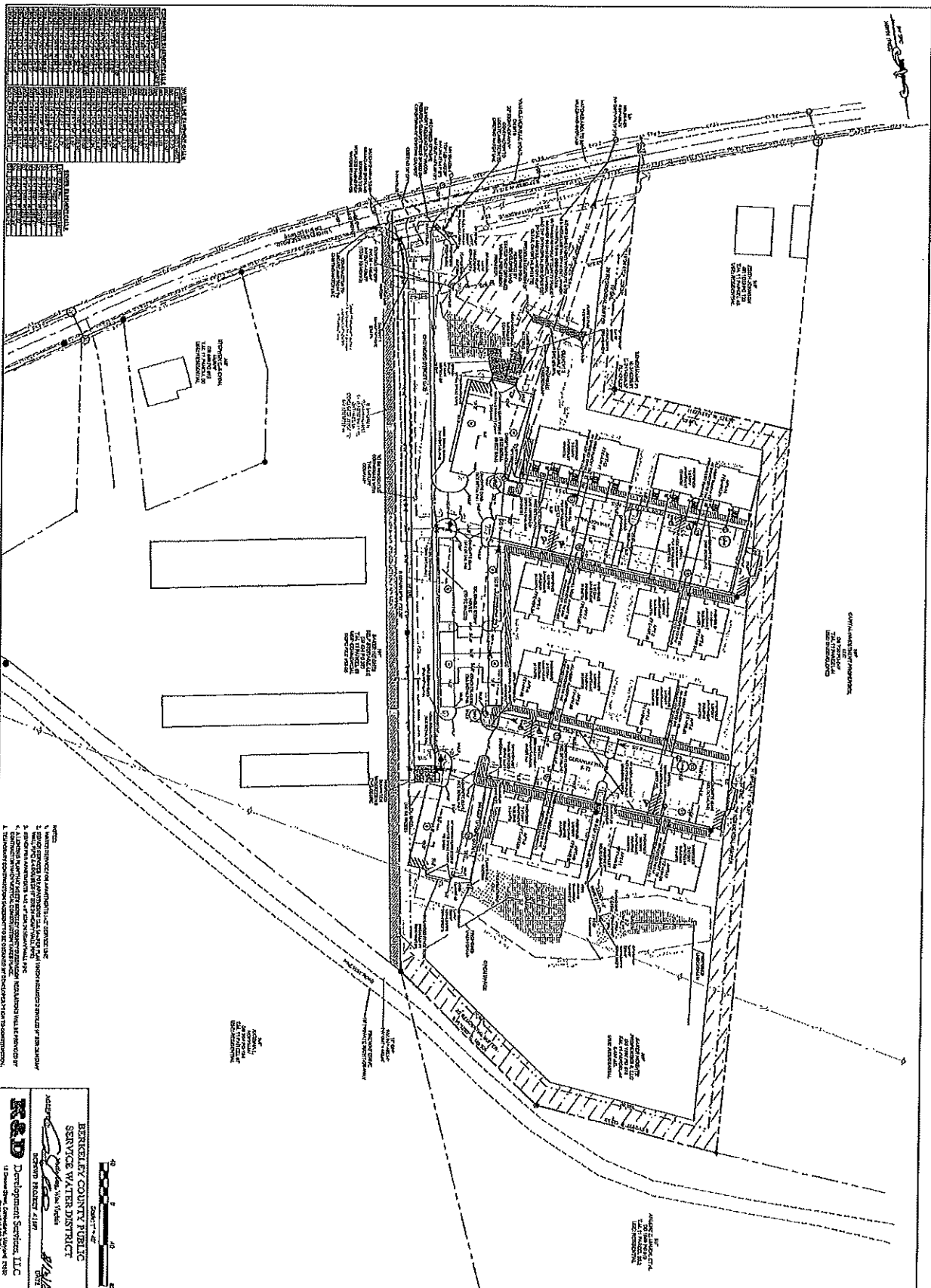
On June 13, 2018, the County Engineer, Dirk Stansbury, issued a letter of completion and found the project to be in compliance with the Berkeley County Subdivision Ordinance.



**Staff Recommendation:** The Preliminary Plan meets the requirements of the Subdivision Ordinance (2009); therefore, Staff recommends advancement of the Preliminary Plan to Final Plat stage

Respectfully Submitted,  
The Planning Department

Attachments: Preliminary Plan



NOTES:  
 1. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.  
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**R&D**  
 Development Services, LLC  
 11000 Green Street, Cumberland, Maryland 21620  
 Phone: 240-382-7498

BERKELEY COUNTY PUBLIC SERVICE WATER DISTRICT  
 11000 Green Street, Cumberland, Maryland 21620  
 Phone: 240-382-7498



PROJECT NO.	020119
DATE	11/11/11
SCALE	AS SHOWN
SHEET	S-1

**SITE DIMENSIONS & UTILITY PLAN**



**BAKER HEIGHTS PROPERTIES II, LLC  
 VAN CLEVESVILLE APARTMENTS**

TM A11, PARCEL 46  
 DEED BOOK 1108, PAGE 616  
 ARDEN DISTRICT, BERKLEY COUNTY, WEST VIRGINIA

**K&D**  
 DEVELOPMENT SERVICES, LLC  
 18 GREENE STREET, CUMBERLAND, MARYLAND 21620  
 PHONE: 240-382-7498