



## **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)

### **AMENDED**

#### **Berkeley County Planning Commission Agenda**

#### **County Council Chambers**

**December 17, 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. Thistle Landing Lots, Section C, Phase 2, Lots 13-15, 26-31, 46-48, File #020-15 - Final Plat Approval
  - b. Brookfield, Phase 2, Section 11, Lots 22-53, File #101-06 - Final Plat Approval
  - c. Ridge Crest, File #003-18 - Waiver
  - d. Barbara B. Fulton Property Subdivision, File #055-18 - Waiver
7. PRELIMINARY / FINAL PLAT APPROVAL
  - a. Olean Acres, File # 017-18 - Preliminary/Final Plat
8. EXTENSION
  - a. Request for Reconsideration-Nadenbousch Pines File #43-04
9. STAFF/COUNSEL DISCUSSION/ACTION/MOTION
10. 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 FINAL PLAT APPROVAL  
 December 17, 2018**

**Project:** Thistle Landing Lots, Section C, Phase 2, Lots 13-15, 26-31, 46-48

**File #:** 020-15

**Developer:** Thistle Landing Holdings, LLC  
 126 E. Burke Street  
 Martinsburg, WV 25401

**Surveyor:** Roberts Land Surveying  
 2068 Palmer Road  
 Hedgesville, WV 25427

**District, Tax Map & Parcel #:** Mill Creek District, Map 17, Parcel 34

**Location:** The site is located on the east side of WV Route 28 (Specks Run Road), approximately 400 feet north of its intersection with WV Route 28/1 (Fegan Road).

**Project Description:** The project proposes 15 single family lots on 8.22 acres to be served by public water and sewer.

**Administrative History:**

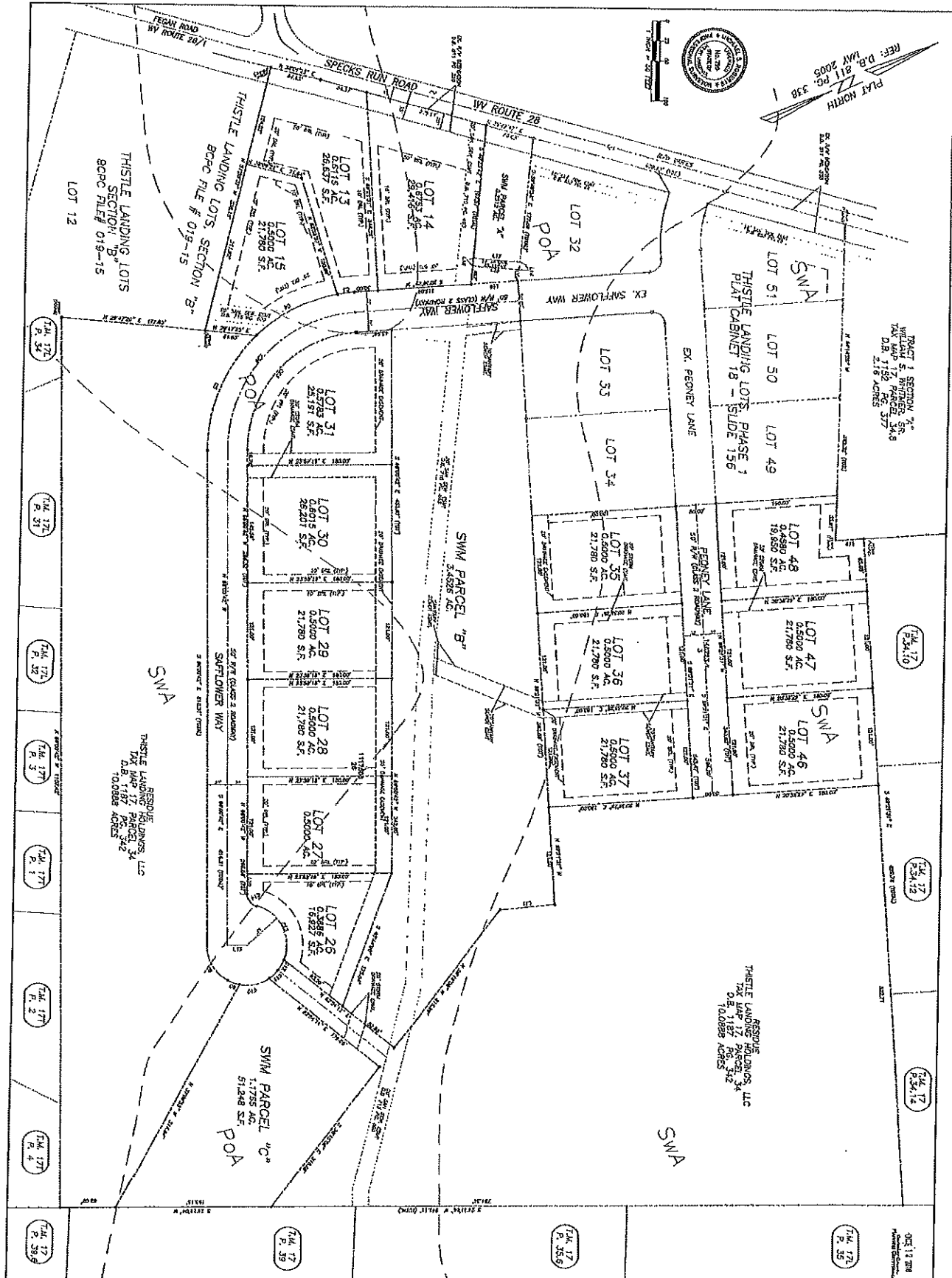
Required Items	DATE RECEIVED
Covenants and Restrictions	11/30/2018
Bond Estimate	11/30/2018
Developers Agreement	11/30/2018
Contingency items prior to Release	DATE
Bond/LOC	
Final Plat	
Final Plat Determination	11/19/2018
Public Hearing Ad date	11/26/2018
Final Plat Approval	
Bond Reduction	

**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 \$26,880.00. Plat to be released upon receipt of surety.

Respectfully Submitted,  
 The Planning Department  
 Attachment:

Final Plat

December 17, 2018



DCP# 020-15  
**APPROVED**  
 Berkeley County Planning Commission  
 Date: \_\_\_\_\_  
 Initials: \_\_\_\_\_

DATE: 07-26-18  
 REV: 10-09-18  
 DRAWN: RYB  
 CHECKED: MSK  
 SCALE: 1"=50'  
 DWG NO. 12-013  
 SHEET 2 OF 2

FINAL PLAT  
 THISTLE LANDING, SECTION C, PH. 2  
 LOTS 13-15, 26-31, 35-37, & 46-48  
 THISTLE LANDING HOLDINGS, LLC  
 DEED BOOK 1187 PAGE 342  
 TAX MAP 17, PARCEL 34 - FULL CHECK DISTRICT - BERKELEY COUNTY, WV

**ROBERTS LAND SURVEYING**  
 2068 PALMER ROAD - HEDGESVILLE, WV 25427  
 304.871.8408  
 mlr002395@comcast.com



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**PUBLIC HEARING  
STAFF REPORT  
REQUEST FOR FINAL PLAT APPROVAL  
December 17, 2018**

**Project:** Brookfield, Phase 2, Section 11, Lots 22-53

**File #:** 101-06

**Developer:** Panhandle Homes  
222 Langston Boulevard  
Martinsburg, WV 25401

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

**District, Tax Map & Parcel #:** Falling Waters District, Map 11, Parcel 2.3

**Location:** The site is located off Crawford Quarry Road adjacent to the Potomac River and immediately contiguous to south of the Winchester and Western Railroad.

**Project Description:** The phase proposes 32 single family lots and open space on approximately 57.50 acres.

**Administrative History:**

<b>Required Items</b>	<b>DATE RECEIVED</b>
Covenants and Restrictions	8/23/18
Bond Estimate	8/23/18
Developers Agreement	8/23/18
<b>Contingency items prior to Release</b>	<b>DATE</b>
Bond/LOC	
<b>Final Plat</b>	
Final Plat Determination	11/19/18
Public Hearing Ad date	11/26/18
Final Plat Approval	
Bond Reduction	

**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 \$369,798.00. Plat to be released upon receipt of surety.

Respectfully Submitted,  
The Planning Department

Attachments: Final Plat

December 17, 2018





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**PUBLIC HEARING  
 STAFF REPORT  
 REQUEST FOR WAIVER  
 December 17, 2018**

**Project:** Ridge Crest

**File #:** 003-18

**Developer:** JH Real Estate  
 126 E. Burke Street  
 Martinsburg, WV 25401

**Engineer:** Cheat Road Engineering  
 100 Hart Field Road  
 Morgantown, WV 26505

**District, Tax Map & Parcel #:** Arden District, Map 16, Parcel 6

**Location:** The site is located off of Paynes Ford Road, approximately 1.8 miles southeast of the intersection of Airport Road.

**Project Description:** The project proposes 36 single family homes on 63.09 acres to be served by well and septic.

**Administrative History:**

<b>APPROVAL LETTERS</b>	<b>DATE RECEIVED</b>
Berkeley County Health Department (Wells and Septic)	10/17/2018
Berkeley County Public Service Water District (Water Availability)	N/A
Berkeley County Public Service Sewer District (Sewer Availability)	N/A
State Health Department (Water)	10/17/2018
State Health Department (Sewer)	10/17/2018
Department of Highways (Entrance Permit) Letter Received	10/17/2018
Central Dispatch (Road Names) approved	10/04/2018
GPP Permit Application	N/A
NPDES Permit Application	10/17/2018
*Traffic Study	N/A
*School Impact Analysis	1/11/2018
Appendix C – Environmental Impact Checklist	1/11/2018

<b>MEETINGS &amp; SUBMISSIONS</b>	<b>DATE</b>
<b>Waiver Requests</b>	
Waiver Requested	11/14/2018
Waiver Request Advertised	11/26/2018

Waiver Granted	
<b>Sketch Plan</b>	
Sketch Plan Submitted	1/11/2018
1 <sup>st</sup> Review Comments	1/19/2018 – P 1/22/2018 – E
Sketch Plan Re-Submitted	2/1/2018
2 <sup>nd</sup> Review Comments	2/9/2018 – E 2/14/2018 – P
Sketch Plan Public Hearing Advertised	2/19/2018
Sketch Plan Advancement Meeting / Approved	3/5/2018
<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 the Berkeley County Subdivision Ordinance (2009) Appendix A Section 1.7.A requiring a one-hundred and fifty feet (150') paved diameter cul-de-sac every one-thousand feet (1,000') of roadway.
- Project Notes:** The proposed turnaround is a sixty foot (60') paved length, sixteen foot (16') minimum width, with a fifty foot (50') corner radius on the intersections.
- Engineer Report:** The county engineer, Dirk Stansbury, supports the waiver request.
- Staff Recommendation:** Since County Engineering supports the waiver and impervious surface coverage would decrease, staff recommends approval of the waiver to Section 1.7.A of Appendix A in the Berkeley County Subdivision Ordinance (2009).

Respectfully Submitted,  
The Planning Department

Attachment

Waiver Justification & Proposed Turnaround Site Plan

December 17, 2018



NOV 14 2018  
Berkeley County  
Planning Commission

November 14, 2018

Ms. Heather Williams  
400 West Stephen Street  
Suite 203  
Martinsburg, WV 25401-3838

Re: Ridge Crest (#003-18)

Ms. Williams:

Cheat Road Engineering is filing, on behalf of JH Real Estate LLC, a request for waiver of the Berkeley County Subdivision Ordinance, Appendix A, Section 1.7, Sub-section a. This section requires a 150' diameter paved right of way to accommodate emergency vehicle and school bus turning movements. A different style of turnaround is proposed in order to provide a turnaround while reducing the impact a 150' diameter paved structure required by code would impose. A 150' diameter cul-de-sac is provided within the sub-division, but is located beyond the 1000' stipulation in Section 1.7.

The proposed turnaround will be a 60' paved length, 16' minimum width, with 50' corner radius on the intersections. A sheet detailing this is also provided. This turnaround is substantial for any emergency traffic that should need to utilize it.

This project meets the requirements of waiver from "Section 1203" of the *Berkeley County Subdivision Ordinance*. Please see below justifications for approval:

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.***

No self-directed or deliberate physical action was taken by the applicant to require relief from the regulation. This request is to better utilize development of the site, reduce environmental impact, while maintaining the Potomac Edison Right of Way available for service.

**CHEAT ROAD ENGINEERING, INC.**  
100 HART FIELD RD, SUITE 191  
MORGANTOWN, WV 26505  
304-212-5480



NOV. 14 2018  
Berkeley County  
Planning Commission

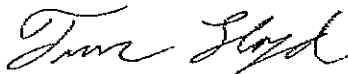
**2. *The Waiver will not be contrary to, the public interest, health, safety and welfare given the evidence that is presented.***

The proposed turnaround meets common standards for any emergency traffic that should need to utilize it. This turnaround imposes a much lower impact to the environment by creating significantly less impervious surface.

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

The proposed turnaround will not affect any adjacent residential or commercial properties, therefore does not impede on anyone's property rights. We believe that granting this waiver will not negatively affect the spirit of the ordinance.

Sincerely,  
Cheat Road Engineering, Inc.

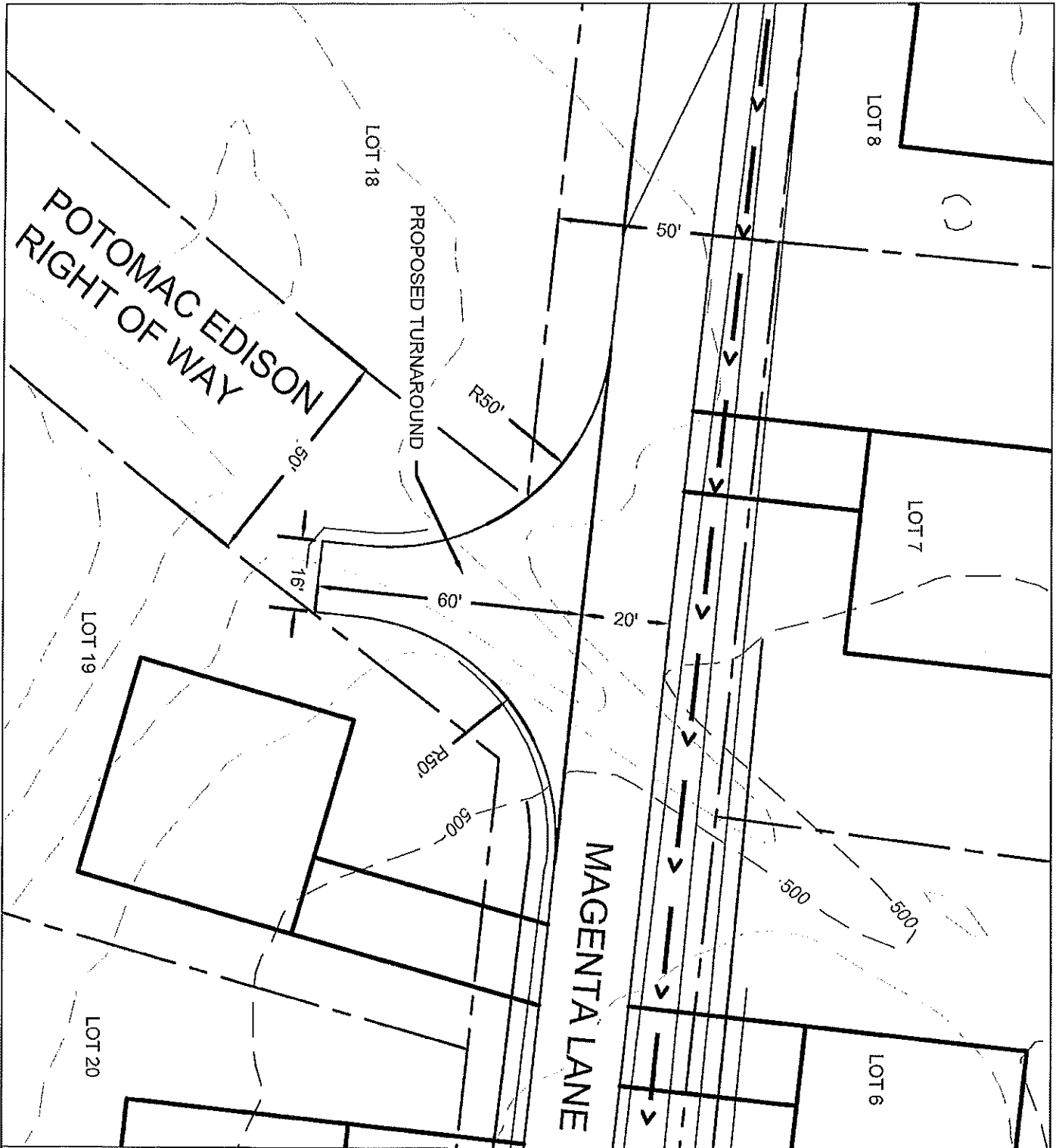


Trevor Lloyd, P.E., CFM  
Engineering Manager

**CHEAT ROAD ENGINEERING, INC.**  
100 HART FIELD RD, SUITE 191  
MORGANTOWN, WV 26505  
304-212-5480

NOV 16 2018

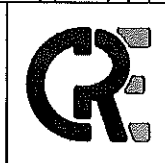
Berkeley County  
Planning Commission



**PROPOSED TURNAROUND**  
DRAWN BY: Z.BARTLEY  
CHECKED BY: T.LLOYD  
SCALE: 1" = 30'  
DATE: November 14, 2018

**RIDGECREST**  
MARTINSBURG, WV  
PROJECT NO: 17-052  
DRAWING FILE:  
17-052\_DESIGN\_3\_GYS.DWG

**CHEAT ROAD ENGINEERING, INC.**  
100 HART FIELD ROAD, SUITE 191  
MORGANTOWN, WV 26505  
PHONE: 304-212-5480



0 30 60 Feet

REV NO.	DATE	DESCRIPTION	BY



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**PUBLIC HEARING  
STAFF REPORT  
REQUEST FOR WAIVER  
December 17, 2018**

**Project:** Barbara B. Fulton Property Subdivision

**File #:** 055-18

**Developer:** Barbara B. Fulton  
17718 Red Oak Drive  
Hagerstown, MD 21740

**Engineer:** Gordon  
148 S. Queen Street, Suite 201  
Martinsburg, WV 25401

**District, Tax Map & Parcel #:** Arden District, Map 10, Parcel 8.2

**Location:** The project is located approximately two-hundred and eighty feet (280') from the intersection of U.S. Route 11 (Winchester Avenue) and Paynes Ford Road.

**Project Description:** The project proposes the creation of one 1.33 acre lot and one 69.50 acre residue to be served by public water and public sewer.

**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	11/13/2018
Waiver Request Advertised	11/26/2018

Waiver Granted	
<b>Sketch Plan</b>	
Sketch Plan Submitted	
1 <sup>st</sup> Review Comments	
Sketch Plan Re-Submitted	
2 <sup>nd</sup> Review Comments	
Sketch Plan Public Hearing Advertised	
<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:**

A waiver is being requested to the portion of Section 305.4.1 of the 2009 Subdivision Ordinance that requires a minimum lot area of 2.0 acres in order to process a subdivision as a Preliminary/Final application.

**Project Notes:**

The project proposes the creation of one 1.33 acre lot and one 69.50 acre residue to be served by public water and public sewer.

**Engineer Report:**

The county engineer, Dirk Stansbury, recommends denial of the waiver request since enough land exists to create the 2.0 acre parcel that is required in order to go through the preliminary/final process.

**Staff Recommendation:**

Upon review, staff concludes that requirement #1 of the waiver process is not met. The creation of a 1.33 acre lot, when enough land is available to create a 2.0 acre lot, becomes an action that is a self-directed and deliberate physical action taken by the applicant. Staff recommends denial of the waiver request and submission of a sketch plan, since the sketch plan process allows for the creation of lots that are smaller than 2-acres.

Respectfully Submitted,  
The Planning Department

Attachment

Waiver Request, plat

December 17, 2018

6d



NOV. 13 2018

November 12, 2018

Berkeley County  
Planning Commission

Berkeley County Planning Commission  
400 West Stephen Street – Suite 203  
Martinsburg, WV 25401

Re: Barbara B. Fulton Subdivision – Waiver Request.

Dear Planning Commissioners:

On behalf of Barbara B. Fulton, we hereby request a waiver from section 305.4.1 of the subdivision ordinance that requires a minimum lot size of 2 acres to process a subdivision as a Preliminary/Final Plat.

Please accept the following responses to address the 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.
  - a. The lot to be created encompasses the boundary of an existing commercial facility that has been in place for 30+ years. The property is already taxed separately from the remainder by the tax office as a split assessment. This process will formalize the split in use of the property.
- 2) The waiver will not be contrary to, the public interest, health, safety and welfare given the evidence that is presented.
  - a. All other subdivision regulations will be followed to process the subdivision. No new development will be afforded by the creation of the commercial lot. The public interest, health, safety and welfare will be upheld.
- 3) Consistency and fairness in applying the Ordinance shall not be jeopardized or comprised.
  - a. All other requirements of the provisions of section 305.4.1 will be satisfied. It is consistent and fair to allow this property to use the Preliminary/Final Plan process considering the information provided.

We hope you feel that this addresses the waiver request for this application and grant our waiver request.

Should you have any questions, please do not hesitate to contact me.

Regards,

A handwritten signature in black ink, appearing to read "Ryan P. Perks".

Ryan P. Perks, PE  
Project Manager

[www.gordon.us.com](http://www.gordon.us.com)  
DCJS License # 1s 11-7158

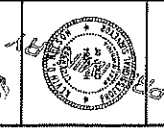
PROGRAMMING AND PLANNING  
CIVIL ENGINEERING  
LANDSCAPE ARCHITECTURE  
SURVEY AND MAPPING  
SECURITY CONSULTING

148 South Queen Street, Suite 201, Martinsburg, WV 25401 — Phone: (304) 725-8456



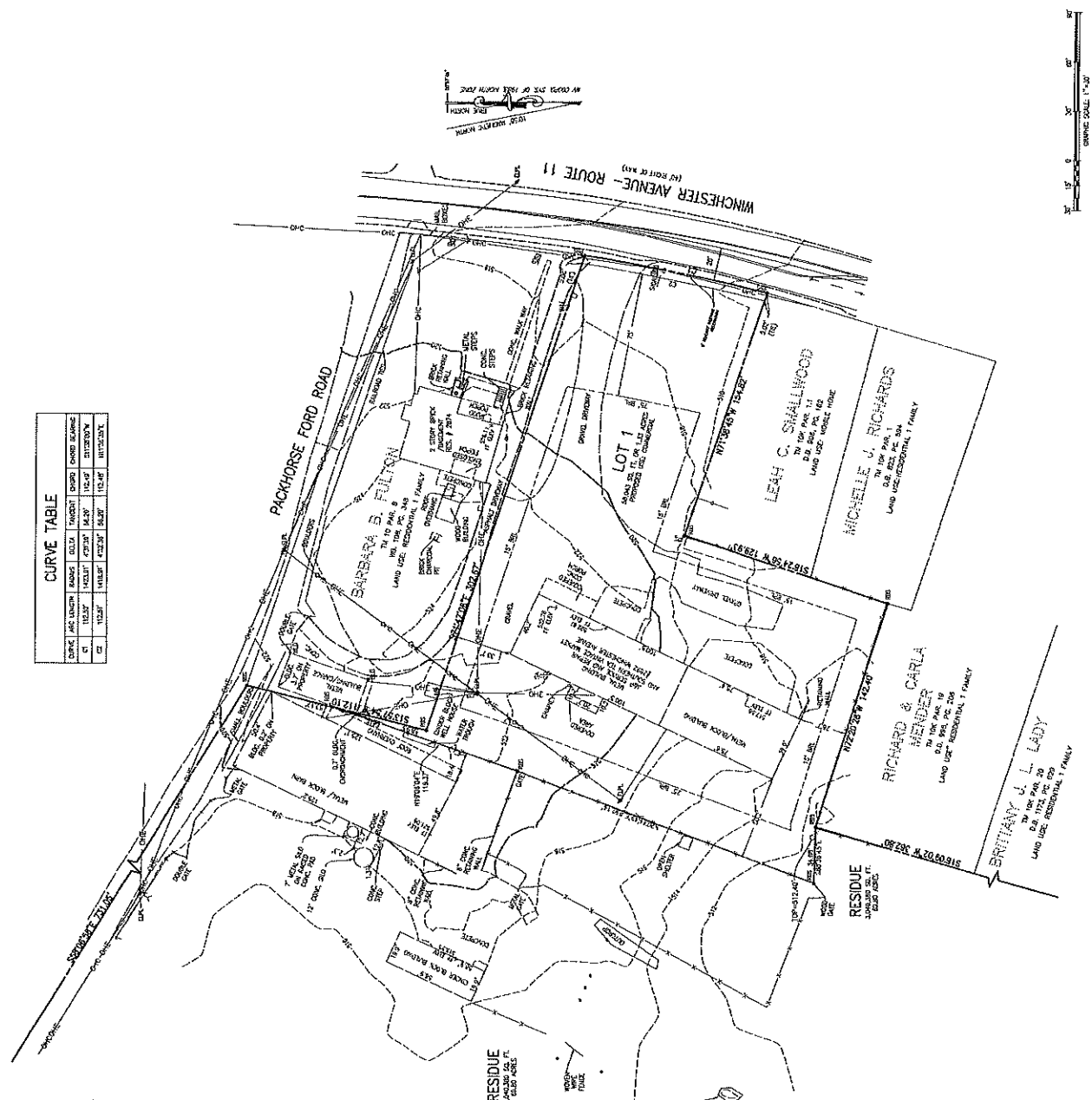
SHEET 2 OF 2  
 DRAWING NO. 3300-0101-0901  
 PHASE 332A  
 PROJECT NO. 3300-0101  
 DATE: OCTOBER 18, 2016  
 SCALE: 1"=40'

**BARBARA B. FULTON**  
 PRELIMINARY/FINAL PLAN  
 LOT 1 AND RESIDUE  
 OF THE ESTATE OF  
 TAY VAP 10, PARCEL B,2  
 AS20 BOOK 531, PAGE 93  
 663-1237 COUNTY, 4831 VAQVA



**Gordon**  
 ENGINEERS AND ARCHITECTS  
 1500 S. MAIN ST.  
 CHARLottesville, VA 22902  
 Phone: 703-469-1900  
 www.gordon.com

No.	Revision	Date



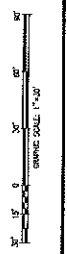
**CURVE TABLE**

CURVE	ARC LENGTH	RADIUS	DELTA	WINDRPT	CORD	CHORD BEARING
C1	112.97	142.00	47.30°	4.50	118.61	S125.20°W
C2	112.97	142.00	47.30°	4.50	118.61	S125.20°W

**LEGEND:**

- DAY WIRE - - -
- ELECTRIC METER - ○
- POWER POLE - ●
- LOW VOLTAGE OUTLET - ○
- OVERHEAD ELECTRIC - ○—○
- COMMUNICATION POLE - ○
- OVERHEAD COMMUNICATION - ○—○
- SMALLER MANHOLE - ○
- SEWER MANHOLE - ○
- WELL - ○
- WATER METER - ○

DATE OF THE PRESENT: **DATE**  
 DATE OF REVISE: **DATE**  
 DATE OF ALTER: **DATE**  
 DATE OF CONCRETE: **DATE**  
 DATE OF FOUNDATION: **DATE**  
 DATE OF WALL: **DATE**  
 DATE OF ROOF: **DATE**  
 DATE OF FINISH: **DATE**  
 DATE OF MEASUREMENT: **DATE**





## BERKELEY COUNTY PLANNING COMMISSION

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

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### STAFF REPORT REQUEST FOR PRELIMINARY / FINAL PLAT APPROVAL December 17, 2018

**Project:** Olean Acres (Lot 6)

**File #:** 017-18

**Developer:** Jen Hardee  
259 N Bernice Avenue  
Martinsburg, WV 25405

**Consultant:** Roberts Land Surveying  
2068 Palmer Road  
Hedgesville, WV 25427

**District, Tax Map & Parcel #:** Arden, Map 1, Parcel 21.6

**Location:** The property is located on the south side of Tuscarora Pike (WV Route 15); 300' east of intersection Route 15 and WV Sec Rt. 30 (Arden Nollville Road)

**Project Description:** The project proposes one (1) single family residential lot on 1.3774 acres to be served by private well and septic.

#### Administrative History:

APPROVAL LETTERS	DATE RECEIVED
Berkeley County Health Department (Wells and Septic)	7/13/18
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) Letter Received	11/29/18
Central Dispatch (Road Names) approved	n/a
GPP Permit Application	n/a
NPDES Permit Application	n/a
*Traffic Study	n/a
*School Impact Analysis	n/a
Appendix C – Environmental Impact Checklist	n/a

MEETINGS & SUBMISSIONS	DATE
<b>Waiver Requests</b>	
Waiver Requested	3/22/18
Waiver Request Advertised	4/16/18
Waiver Granted	5/7/18

December 17, 2018



<b>Preliminary / Final Plat</b>	
Preliminary / Final Plat Submitted	7/13/2018
1 <sup>st</sup> Review Comments	7/25/2018 – P
	7/31/2018 – E
Preliminary / Final Plat Re-Submitted	10/9/2018
2 <sup>nd</sup> Review Comments	10/15/2018-P
	10/24/2018-E
Preliminary / Final Plat Re-Submitted	11/19/2018
Preliminary / Final Plat Approved	

**Waivers/ Exceptions:** Waiver to Section 305.4.1 requiring minimum lot size in order to proceed through preliminary final process was granted May 7, 2018.

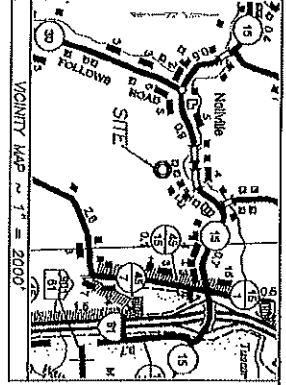
**Project Notes:** The purpose for this plat is to separate Lot 6 from the residue.

**Engineer Report:** The County Engineer, Dirk Stansbury, issued a letter of approval on October 24, 2018 stating a review of the above mentioned project had been completed and was found to be in compliance with the Subdivision Ordinance.

**Staff Recommendation:** The project is found to be complete, in compliance with the 2009 Berkeley County Subdivision Regulations and therefore staff recommends approval of the Preliminary/Final Plat.

Respectfully Submitted,  
The Planning Department

Attachment Preliminary/Final Plat



PLAT NORTH  
 REF: PLAT CAB. 17 SLIDE 88  
 MAY - 2016

LINE TABLE

LINE	DATE	BY	REVISIONS
1	10-01-18	MSR	INITIAL DESIGN
2	11-16-18	MSR	REVISIONS PER COMMENTS

LEGEND

- SURVEY BOUNDARY
- PROPERTY BOUNDARY
- RIGHT-OF-WAY
- EXISTING STRUCTURE
- CONCRETE FOUNDATION

OWNER'S DECLARATION

I, the undersigned, being the owner of the above described land, do hereby certify that the facts stated herein are true and correct to the best of my knowledge and belief, and that the same conform to the facts as the same actually exist.

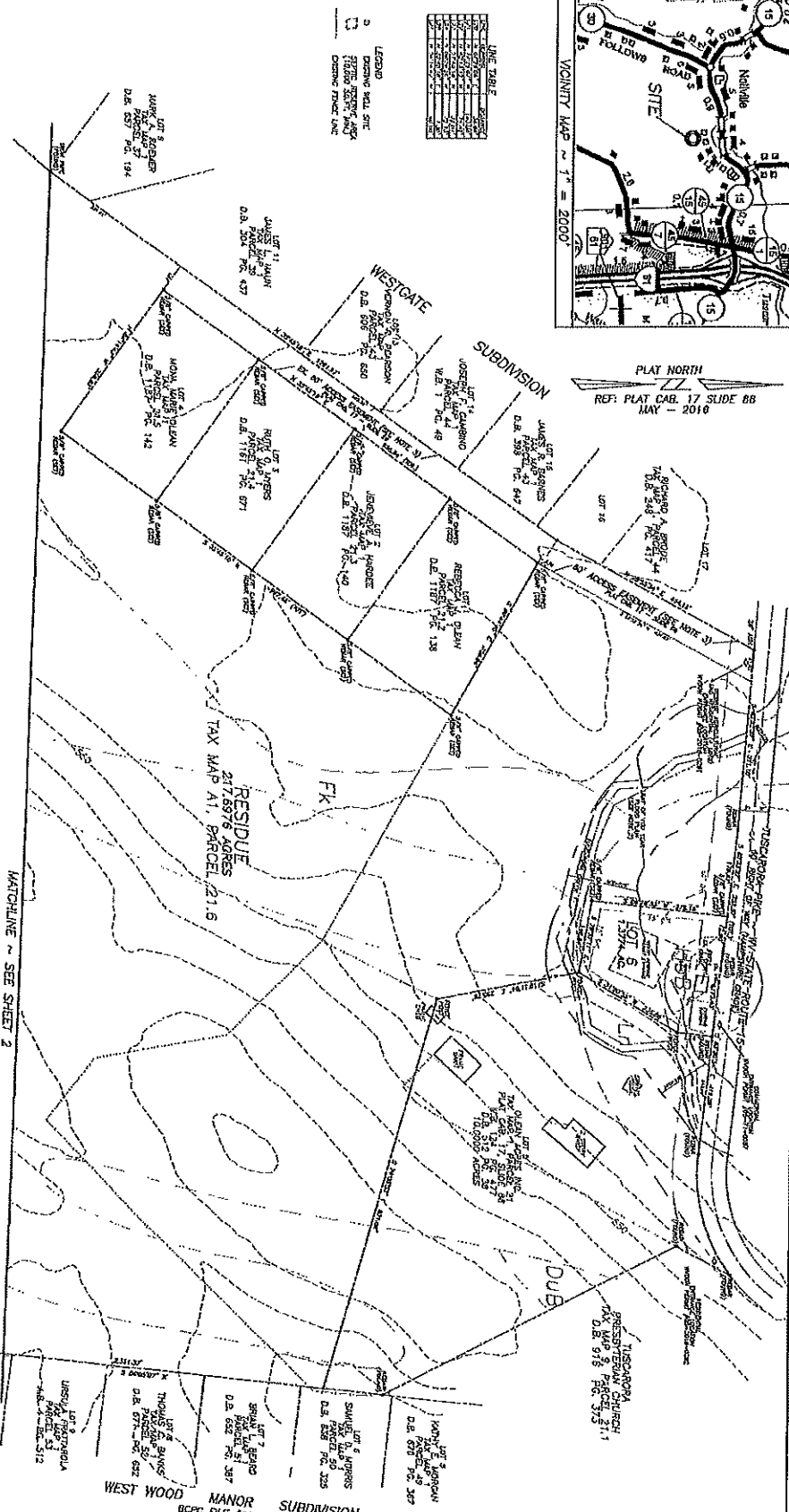
DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

STATE OF WEST VIRGINIA, OF AND FROM THE COUNTY OF MORGAN, I, \_\_\_\_\_, Surveyor, do hereby certify that the above described land is situated in the County of Morgan, State of West Virginia, and that the same is the property of \_\_\_\_\_, and that the same is subject to the terms and conditions set forth herein.

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

SIGNATURE: \_\_\_\_\_



GENERAL NOTES

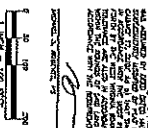
- THESE PLANS WERE PREPARED FOR THE PURPOSE OF OBTAINING PERMITS FOR CONSTRUCTION OF THE PROJECT DESCRIBED HEREON.
- A PORTION OF THE PROJECT DESCRIBED HEREON IS SUBJECT TO THE TERMS AND CONDITIONS OF THE DEED BOOK 612, PAGE 38, PLAT CABINET 17, SLIDE 88, TAX MAP 1, PARCEL 21.6 - ANNOI CREEK (51) AND - HODGKIN COUNTY, WV.
- ALL DIMENSIONS ARE TO THE CENTER OF EACH LOT OR EASEMENT UNLESS OTHERWISE NOTED.
- ALL DIMENSIONS ARE TO THE CENTER OF EACH LOT OR EASEMENT UNLESS OTHERWISE NOTED.
- ALL DIMENSIONS ARE TO THE CENTER OF EACH LOT OR EASEMENT UNLESS OTHERWISE NOTED.
- ALL DIMENSIONS ARE TO THE CENTER OF EACH LOT OR EASEMENT UNLESS OTHERWISE NOTED.
- ALL DIMENSIONS ARE TO THE CENTER OF EACH LOT OR EASEMENT UNLESS OTHERWISE NOTED.

ASSET TABULATION

Parcel: 21.6, Area: 48.3 Acres, Containing 27.5 Acres of  
 General Use Land, and  
 21.1 Acres of Forest Land.

DATE: 11/16/18

SIGNATURE: \_\_\_\_\_



APPROVED

Herkesy County Planning Commission

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

SIGNATURE: \_\_\_\_\_

DRAWN: MSR  
 CHECKED: MSR  
 SCALE: 1" = 100'  
 CWD NO. 15-018  
 SHEET 1 OF 2

PRELIMINARY / FINAL PLAN  
 SHOWING LOT 6 & RESIDUE  
 PROPERTY OF  
**OLEAN ACRES, INC.**  
 DEED BOOK 612 PAGE 38 - PLAT CABINET 17, SLIDE 88  
 TAX MAP 1, PARCEL 21.6 - ANNOI CREEK (51) AND - HODGKIN COUNTY, WV

**ROBERTS LAND SURVEYING**  
 2088 PALMER ROAD - HEDGESVILLE, WV 26427  
 304.671.6406 miker002395@frontier.com



## 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.berkeleycountycomm.org](http://www.berkeleycountycomm.org)

### STAFF REPORT REQUEST FOR RE-CONSIDERATION December 13, 2018

**Project:** Nadenbousch Pines

**File #:** 43-04

**Developer:** B & B Land Company, LLC  
5805 Winchester Avenue  
Inwood, WV 25428

**Engineer:** Davis, Renn & Associates  
P.O. Box 246  
Hagerstown, MD 21741

**District, Tax Map & Parcel #:** Arden District, Map 19, Parcel 3.2

**Location:** This property is located adjacent to and NE of Route 34, approximately 5,000' east of the intersection of Nadenbousch Lane (WV Route 34) and Winchester Avenue (US Route 11).

**Project Description:** This project proposes 76 single family lots on approximately 48.83 acres to be served by public water and sewer.

#### Administrative History:

Approval Letters	Date Received
Berkeley County Health Department (Wells and Septic)	N/A
Berkeley County Public Service Water District (Water Availability)	03/30/06
Berkeley County Public Service Sewer District (Sewer Availability)	03/30/06
State Health Department (Water)	03/30/06
State Health Department (Sewer)	03/30/06
Department of Highways (Entrance Permit)	03/30/06
Central Dispatch (Road Names)	03/30/06
GPP Permit Application	03/30/06
NPDES Permit Application	03/30/06
*Traffic Study	7/23/07
*School Impact Analysis	03/30/06

Meetings & Submissions	Date
Pre-Application STAC Meeting	07/07/04
Preliminary Plat Submitted	04/05/06

December 17, 2018

1st Review Comments	04/26/06
Preliminary Plat Resubmitted	05/03/06
Preliminary Plat Resubmitted	07/13/06
Advertised	01/06/07
Public Hearing (Preliminary Plat/Site Plan Approval)	2/05/07
Final Plat/Site Plan Approval	
Bond Reduction	

**Waivers/ Variances:** There have been no variances/waivers for this project.

**Project Notes:**

1. 02/05/07: Planning Commission voted to grant Preliminary Plat approval contingent on obtaining a traffic study.
2. 07/23/07: The traffic study was submitted.
3. 04/10/12: A Preliminary Plan extension was requested, which was granted through 07/01/15.
4. 06/12/15: A 2<sup>nd</sup> Preliminary Plan extension was requested and granted through 06/30/18.
5. 07/16/18: A 3<sup>rd</sup> Preliminary Plan extension was requested and granted through 12/31/18 contingent upon bringing stormwater management into compliance with the 2016 SWM ordinance and updating all required outside agency approvals.
6. 11/08/18: Plan Change submitted by applicant.
7. 11/19/18: Clarification of the 07/16/18 decision was requested and confirmed.
8. 12/11/18: Request for consideration of an additional extension submitted. This most recent request references “the 2009 storm water management regulations” which is inaccurate. This request also does not specify a new extension expiration date.

**Engineer Report:** The county engineer, Dirk Stansbury, concurs with the staff recommendation below.

**Staff Recommendation:** The applicant indicates in the 12/11/18 request for consideration letter that they have received approval from the BCPSWD and BCPSSD. They also indicate that the project has been through two reviews with the WV DOH and the applicant is working to address the WV DOH comments.  
Based upon this information, staff recommends extending the extension from December 31, 2018 to April 30, 2019. The extension will still be contingent upon compliance with the **2016** Stormwater Management Ordinance and receipt of updated outside agency approvals.

Respectfully Submitted,  
The Planning Department

Attachments: Request for Consideration, result letter



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**REQUEST FOR CONSIDERATION**

File #: 43-04

Name of Applicant: B & B Land Company

Address: 5805 Winchester Avenue, Inwood, WV 25428

Telephone: 304-229-5616

District, Map and Parcel #: Arden District, Tax Map 19, Parcel 3.2

Acreage: 48.59

Location (include name and distance to major roads): \_\_\_\_\_

Route 11 South to Nadenbousch Lane

Reason for Request: Request further time to bring preliminary plan into compliance with 2009 stormwater management ordinance and get all project permit approvals up-to-date.

Well: \_\_\_\_\_ Public Water:  Septic: \_\_\_\_\_ Public Sewer:

**>>>PLEASE MAKE CHECK PAYABLE TO BERKELEY COUNTY PLANNING COMMISSION<<<**

Base Fee: 188.80  
Public Hearing Fee: \$129.80  
Sign Inspection Fee: \$88.50  
Total Check: \$407.10

Signature: *Jimmy Cobi* Date: 12/11/2018

**Plan Submittal Package:**

Item	Included	Staff Verification
Owner/Applicant information sheet	✓	
Written request for Consideration	✓	
Review Fee	✓	



December 11, 2018

Berkeley County Planning Commission  
400 West Stephen Street, Suite 203  
Martinsburg, WV 25401-3838  
Attention: Heather Williams, Planning Director

Re: Nadenbousch Pines, BCPC File 43-04  
GORDON Project #3355-0101

Dear Ms. Williams:

On behalf of B & B Land Company LLC, we hereby submit this request of consideration for a further preliminary plan extension of the Nadenbousch Pines subdivision, File Number 43-04. An extension of the project to December 31, 2018 was granted at the July 16, 2018 Planning Commission Meeting to bring the plan in compliance with the 2009 storm water management regulations and bring all permits up to date.

To date we have received approval from the BCPSWD and BCPSSD after making revisions to the plans to bring them up to current standards. Having secured local approval of the sewer and water plans, we will now submit to the State Health Department to receive an updated sewer/water Health Permit. The plans have been through reviews by the Planning and Engineering Staff, and we are working to address their comments and should be able to arrive at an acceptable plan in the near term. Plans have been through two reviews with the West Virginia Division of Highways, and we are working to address their comments. Due to the time that it takes to move through these review processes, we will not be able to meet the extension deadline of December 31, 2018 that was proposed at the July 16<sup>th</sup> meeting. However, we are proceeding in earnest to complete the required approvals, and therefore request further time to do so.

Sincerely,  
WILLIAM H. GORDON ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "Ryan P. Perks", with a long horizontal flourish extending to the right.

Ryan P. Perks, PE  
Project Manager

[www.gordon.us.com](http://www.gordon.us.com)

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### **OWNER/APPLICANT INFORMATION**

**Owner 1 (Please Print):** B&B Land Company LLC

**Address:** 5805 Winchester Avenue, Inwood, WV 25428

**Phone:** 304-229-5616

**Email:** valleyseeding@aol.com

**Owner 2 (Please Print):** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Developer (Please Print):** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Engineer/Surveyor (Please Print):** GORDON

**Address:** 148 South Queen Street, Suite 201, Martinsburg, WV 25401

**Phone:** 304-725-8456

**Email:** rperks@gordon.us.com

#### **Owner's Written Authorization:**

Please direct all correspondence to: \_\_\_\_\_ (Owner) \_\_\_\_\_ (Developer)  Engineer  
(Please check one)

As the owner of this property, I certify that this application is complete and accurate to the best of my knowledge. I understand that any information lacking in such application shall be deemed incomplete and shall not be considered for review. Furthermore, I authorize the County to direct all correspondence to the above noted party who is also authorized and designated as my agent during review of this application.



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November 20, 2018

B & B Land Company, LLC  
5805 Winchester Avenue  
Inwood, WV 25428

RE: Request for Reconsideration- Nadenbousch Pines, File #43-04

Dear Ladies and Gentlemen:

At the November 19, 2018 Planning Commission meeting, the Planning Commission voted to grant the Request for Reconsideration granting an extension until December 31, 2018, to allow for a Preliminary Plan to be submitted that is in compliance with the 2004 Subdivision Ordinance and the 2016 Stormwater Ordinance with all permits being up to date.

Should there be any questions regarding this matter, please contact the Planning Department at (304) 264-1963.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald Fox".

SKF

Donald Fox, President  
Berkeley County Planning Commission

cc: Gordon  
File

DF/hrw