

THE BERKELEY COUNTY PLANNING COMMISSION MINUTES

The Berkeley County Planning Commission met in a regular session on February 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, Vickana Norton, Nic Diehl and Eric Goff.
- b. MEMBERS ABSENT: Derick Smith and Dan Gantt
- 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 Nic Diehl 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 Eric Goff and seconded by Eddie Gochenour to approve the January 18, 2022 meeting minutes. Call for question. The motion carried unanimously.

6. PUBLIC HEARINGS

REQUEST FOR SKETCH PLAN ADVANCEMENT

a. Chem-Pak, Inc., File #2110-399

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).

The 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.

There were no comments from the public.

Tim Lewis recused himself due to conflict of interest but remained in the room to keep quorum.

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 Nic Diehl to approve the advancement of the Sketch Plan to the Preliminary Plan stage. Call For question. The motion carried unanimously.

Tim Lewis returned to the meeting.

REQUEST FOR FINAL PLAT APPROVAL

b. Cold Spring Run, Phase 5, Lots 74-87, File# 2109-338

The project is located on Kelly Island Road (WV Rt. 9/13), approximately 2,000' north of Paynes Ford Road (WV Rt. 19).

The phase is proposing 22 residential lots, on approximately 14 acres, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.
Dirk Stansbury 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 Tim Lewis and seconded by Eric Goff to approve the Final Plat contingent upon receipt of surety in the amount of \$288,132.00 and a completed Developer's Agreement. Call for question. The motion carried unanimously.

c. Dillon Farm Estates, Section 1, Phase 2, Lots 23-55, 80-81, 90, 98-114 & 181-191, File# 2110-380

The property is located on the south side of Hedgesville Road (WV Route 9), 0.4 miles northwest of Ridge Road (WV Route 4).

The developer is proposing 64 residential lots on 6.7 acres, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.
Jason Gerhart was present representing the project.

There were no comments from the public.

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 Eric Goff to approve the Final Plat contingent upon receipt of surety in the amount of \$830,786.40 and a completed Developer's Agreement. Call for question. The motion carried unanimously.

7. PRELIMINARY/FINAL PLAT APPROVAL

a. NVA Properties, File# 2111-407

The site is located on the west side of US Route 11 at the intersection with WV Route 28 (Specks Run Road).

The project proposes a 5-acre residential lot with a 9.3-acre residue, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.
Ben Brashears was present representing the project.

ACTION TAKEN: The motion was made by Tim Lewis and seconded by Eric Goff to approve the Preliminary/Final Plat. Call for question. The motion carried unanimously.

b. Richard Wilson, File# 2110-349

The site is located at 496 Middleway Pike, Inwood.

The project proposes a 1.44-acre lot with a 22.78 ac. residue lot, served by public water and sewer.

Laura Hoffmaster read the description and project notes.

Lynch Christian was present representing the project.

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

8. REQUEST FOR FINAL PLAT DETERMINATION

a. 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.

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 March 7, 2022 Planning Commission Meeting. Call for question. The motion carried unanimously.

9. RECOMMENDATION TO BOARD OF ZONING APPEALS

a. Martinsburg Seventh-Day Adventist Church, File #2201-017 tied to #2110-392

The property is located on the west side of Delmar Orchard Road (WV Rt. 45/7), approximately 1,300 feet south of its intersection with Tuscarora Pike (WV Rt. 15).

The Major Plan Change proposes the construction of a private elementary school building and associated infrastructure (including water and sewer service lines), a drop-off area, parking, a playground, and a retaining wall.

Laura Hoffmaster read the description and project notes.

Ken Barton and Clint Rock were present representing the project.

Laura Hoffmaster stated that the section of the Zoning Ordinance is contradictory to the flow of the Major Plan Change process. She stated that the Major Plan change cannot be granted until the special exception by the Board of Zoning Appeals is granted.

Linda Barnhart asked if the project would meet the Subdivision Regulations.

Laura Hoffmaster answered that in order for the MPC to be advertised for a meeting it will have to comply with the Subdivision Ordinance and the Stormwater Ordinance. She stated there are not a lot of comments but one of them includes the BZA Special exception. She stated depending on the BZA's stance they would still have to come back for further review and approval from the Planning Commission.

Ken Barton stated that the project is to great importance to the church and was a vision since 2011 and they finally have the money to do it. He stated that they would need a written recommendation from

the Planning Commission for the February 23, 2022 Board of Zoning Appeals Meeting and if they approve it, it will come back to the Planning Commission for full approval. He stated that the church has every expectation to comply with the subdivision regulations. He stated that a private elementary school is permitted under the Tuscarora Zoning Ordinance by special exception. He stated there is a standard that the project has to be in harmony with the surrounding area. He stated it would be a beautiful church campus. He stated that the use of the school would not be a hinder to the surrounding area. He stated this area is partially commercial area and there will be buffers in place with the adjacent neighborhood. He also stated that the school would not cause any more fumes, noise, or any other violations or problem characteristics with the neighbors. He stated that parking will be adequate and there is plenty of space, and adequate public utilities. He stated that the building restrictions lines are a little different and he asked Clint Rock to speak about them.

Clint Rock stated that there was a Major Plan Change that was approved in 2013 with 5 foot Building restriction lines on all sides of the parcel. He stated that the site work was conducted on the property for the potential building of the school. He stated at that time several utilities were also installed. He stated all the arrangements were made based on those setback requirements. He stated another plan change was submitted and it was subject to the requirements of the Tuscarora Zoning Ordinance, which are significantly higher.

Linda Barnhart asked if the variances would have to be approved by the Board of Zoning Appeals.

Ken Barton answered yes with a recommendation coming from the Planning Commission. He stated that the standard for approval or a variance under the Tuscarora Zoning Ordinance is if it is not contrary to public interest. He stated that the project is off the main road. He stated that he believes public interest would be served with another educational facility for students. He stated that they spent a lot of money in infrastructure thinking they had a 5-foot setback. He stated it would be an unnecessary hardship with all the money they have put into it to require them to do the larger setbacks. He requested that the Planning Commission submit a recommendation to the Board of Zoning Appeals to grant the special exceptions.

Laura Hoffmaster stated that the setback and buffers that are proposed currently comply with the Berkeley County Subdivision Regulations.

Linda Barnhart asked if there is a plan if the BZA denies the special exception.

Ken Barton answered that they hope they will not have that problem, but he stated that they can appeal and there is potentially a situation that the church could argue that they are already vested. He stated that this is a project for the children and is hopeful the BZA will see it that way as well.

Eddie Gochenour asked what the total acreage of the property.

Ken Barton answered 10 acres.

Eddie Gochenour asked what the approximate square footage of the school will be and how many children is estimated to be enrolled.

Ken Barton answered 26,000 square feet and about 125 students.

Linda Barnhart asked what enrollment is now.

Ken Barton answered 73 students.

ACTION TAKEN: The motion was made by Eddie Gochenour and seconded by Nic Diehl to advance the project to the Board of Zoning Appeals, with a favorable recommendation.

10. STAFF/ COUNSEL DISCUSSION/ACTION/ MOTION

a. 2022 Developer's Roundtable Meeting Dates

11. ADJOURNMENT

ACTION TAKEN: The motion was made by Eric Goff and seconded by Vickana Norton to adjourn the meeting at 6:39 PM. Call for question. The motion carried unanimously.

Respectfully submitted,

Sarah Sandri
Administrative Assistant

Berkeley County Planning Commission Meeting Minutes, February 7, 2022.