

THE BERKELEY COUNTY PLANNING COMMISSION MINUTES

The Berkeley County Planning Commission met in a regular session on April 18, 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, Dan Gantt and Eric Goff.
- b. MEMBERS ABSENT: Nic Diehl
- c. STAFF: Laura Hoffmaster, Senior Planner; Monique Boots, Planner II; 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 Dan Gantt 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 Dan Gantt to approve the April 4, 2022 meeting minutes. Call for question. The motion carried unanimously.

6. PUBLIC HEARINGS

REQUEST FOR FINAL PLAT APPROVAL

- a. **Winmar Estates, Section 1, Phase 1, Lots 1-11 & 82-87, File# 2112-443**

The site is located on the west side of Winchester Ave. (US Rt. 11), 0.25 miles south of Runnymede Road (WV Rt. 26).

The final plat proposes 17 townhome lots, on 3.2 acres to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.
Chad Wallen was present representing the project.

There were no comments from the public.

ACTION TAKEN: The motion was made by Eric Goff and seconded by Dan Gantt 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 \$640,296.00. Plat to be released upon receipt of surety and Developer’s Agreement. Call for question. The motion carried unanimously.

REQUEST FOR WAIVER

- b. **Dollar General - Gerrardstown, File# 2203-080 tied to 2112-452**

The site is located on the southwesterly side of Gerrardstown Rd. (WV Rt. 51), at the west corner of Everett Dr. and approx. 400’ east of Bentley Dr. and approx. 0.5 miles west of the intersection of Gerrardstown Rd. (WV Rt. 51 and Interstate 81).

The developer is proposing a 10,640 sq. ft. Dollar General, on approximately 2.4 acres, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.

Chris Ziegelmeyer was present representing the project.

Public Comment:

Hilton Bateman, resident on Gerrardstown Road, stated that he owns the property next to the site. He stated that he has spoken to Mr. Ziegelmeyer a number of times and was asked for his formal support of the project. He stated that the waiver to the 25-foot buffer from his property is unsatisfactory because they are asking for it to be 15 feet. He stated he does not enjoy the fact he will be looking at a Dollar General from his bedroom. He stated Mr. Ziegelmeyer promised the most gorgeous screening between the properties, but he does not find it acceptable. He asked the Planning Commission not to grant the waivers.

Mr. Miller, resident on Wiltshire Circle, stated that he owns the property on the left of the site. He stated that he does not believe the area is ready for a Dollar General. He stated no one have come to the park about what they will do for them because they own Everett Drive. He stated that he recommends that they do not allow the project to go in there.

Mike Bush, resident on Horner's Sawmill Road, requested denial of both waiver requests. He stated that insufficient parking would make vehicle and pedestrian concerns along a busy road worse. He stated that encroaching on the buffers would eliminate the barriers necessary to maintain safety around a commercial structure. He stated he is concerned about the commercial loading and unloading, trash pickup, lighting concerns and traffic encroaching in well-established neighborhoods. He stated proposed use of the property is not a proper fit and it would result in annoyance, safety concerns and unacceptable deviation from the established planning regulations.

Adam Jackson, resident on Everett Drive, stated that the proposed building would be right next to where he lives. He stated that he could not see how the layout will work. He stated people would still come even with a lack of parking causing them to park near his house. He stated with all the new homes being built a lack of parking is not needed anywhere. He stated he is concerned about his children and the 18-wheelers delivering and turning around safely.

Liz Grant, resident on Horner's Sawmill Road, requested that the Planning Commission deny the waivers. She stated that the Planning Commission has rules for a reason. She stated that 25 feet for a screening is not much to ask. She stated that parking rules are so ensure adequate parking for the safety and health of the residents. She stated that she could not see how the project outweighs any reason to deviate from the established rules.

Tim Lewis asked why the traffic study was not requested with the project being so close to I81.

Doug Smith stated that WVDOH did not see a need for the traffic study as of now. He stated that there were some comments from DOH. There was an email from Larry Alt stated that a Traffic Study would not be required.

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 deny the waiver requests to Section 801, Table 8-1B, subsection 16.b, which requires 1 parking space for every 275 square feet of gross floor area and Section 802.1.b.i.a, which requires a 25' buffer with screening between commercial and residential uses. Call for question. The motion carried unanimously.

c. Dunkin Donuts - Inwood, File# 2203-090 tied to 2110-393

The property is located on the north side of Gerrardstown Road (WV Rt. 51), approximately 900' east of Interstate 81.

The project proposes a 2,051 sq. ft. Dunkin Donuts with an additional 2,000 sq. ft. of retail space, on approximately 2.58 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.

Eddie Gochenour asked about the entrances.
Gordon Poffenberger answered that there will be an entrance only and a full movement access.
Doug Smith stated there is a lot of discussion with DOH about the road that are still ongoing.

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 waiver to Section 801, Table 8-1B, Category 15a "restaurant with seating", of the Subdivision Ordinance (2009). That section requires 1 parking space for every 50 square feet of gross floor area or 1 parking space for every 2 persons allowed within maximum occupancy, whichever is less. Call for question. The motion carried unanimously.

REQUEST FOR SKETCH PLAN ADVANCEMENT

d. Waterfall Farm Estates, File #2108-299

The site is adjacent to Mouth of Opequon Road (WV RT 14/2) at southern terminus of Brown Road (WV RT 11/12).

The project proposes 29 single family lots, on approximately 75 acres, to be served by private well and septic.

Laura Hoffmaster read the description and project notes.
No one was present representing the project.

There were no comments from the public.

On April 13, 2022, the developer submitted a request to remove this project from consideration of Sketch Plan Advancement. Section 709.B, of the Berkeley County Subdivision Ordinance (2009), states, "When a proposed development is within one thousand feet (1000') of an existing public sanitary sewer system, connections to the public sanitary system sewers shall be provided to all lots within the proposed development in accordance with State law and regulations, if available and acceptable." Since public sewer is approximately 350 feet from the site, the developer intends to revise and resubmit the Sketch Plan, proposing private well and public sewer utilities.

ACTION TAKEN: The motion was made by Eric Goff and seconded by Dan Gantt to close the Public Hearing. Call for question. The motion carried unanimously.

ACTION TAKEN: The motion was made by Dan Gantt and seconded by Eric Goff to remove the project from consideration. Call For question. The motion carried unanimously.

7. PRELIMINARY PLAN APPROVAL

a. Falling Waters Industrial Center – Lot 6C, File# 2112-433

The project is located on the northeast corner of the intersection of Langston Blvd. and Lansdale Court.

The developer is proposing the construction of a 14,875 square foot warehouse, office space, axe toss, and brewery with an additional 2,040 square foot outdoor patio. The site is 2.13 acres and will be served by public water and sewer.

Monique Boots read the description and project notes.
Gordon Poffenberger was present representing the project.

Dan Gantt recused himself and exited the room due to conflict of interest.

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. Harvest Glen, Section I, Phase I, Lots 2, 11-25, 32 and Open Space 1 &2, Residue Parcel A, File #2007-078

The site is located on Vicksburg court and Creasey Way.

The phase proposes 17 Single-Family lots on approximately 12.43 acres, to be served by public water and sewer.

Monique Boots read the description and project notes.
Gordon Poffenberger was present representing the project.

Dan Gantt recused himself and remained out of the room due to conflict of interest.

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 May 16, 2022 Planning Commission Meeting. Call for question. The motion carried unanimously.

b. Red Hill, Section 1, Phase 11, Lots 65-79, 112-139, 178-190 & 338-345, File #2201-014

The project is located on Ridge Road S. (WV Rt. 4), approximately 0.5 mile from its intersection with Hedgesville Road (WV Rt. 9).

The final plat proposes the development of 64 single-family lots on approximately 15 acres, to be served by public water and sewer.

Dan Gantt returned to the room.

Monique Boots read the description and project notes.
Mike Roberts was present representing the project.

ACTION TAKEN: The motion was made by Dan Gantt and seconded by Eddie Gochenour to accept staff recommendation for the Final Plat Determination and advertising of a public hearing for consideration of Final Plat Approval at the May 16, 2022 Planning Commission Meeting. Call for question. The motion carried unanimously.

c. **Communities of Burwell, Phase 9, Lots J19-J43 & L21-L38, File #2112-445**

The project is located at Sec. Rt. 8, 1 mile from Nipetown Road and intersection with Sec. Rt. 11/7.

The final plat proposes the development of 43 single-family attached lots on approximately 6.57 acres, to be served by public water and sewer.

Monique Boots read the description and project notes.
Mike Roberts was present representing the project.

Eddie Gochenour asked how many acres are left to be developed.
Lynch Christian answered that there are 185 acres left.

ACTION TAKEN: The motion was made by Eddie Gochenour and seconded by Dan Gantt to accept staff recommendation for the Final Plat Determination and advertising of a public hearing for consideration of Final Plat Approval at the May 16, 2022 Planning Commission Meeting. Call for question. The motion carried unanimously.

9. STAFF/ COUNSEL DISCUSSION/ACTION/ MOTION

Tim Lewis asked when the Dollar General comes back is there a way to request or suggest a Traffic Study.
Laura Hoffmaster answered that they do not see how they can come back.
Doug Smith stated that he would look into suggesting to the state to do a study.

10. 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, April 18, 2022.