

THE BERKELEY COUNTY PLANNING COMMISSION MINUTES

The Berkeley County Planning Commission met in a regular session on May 2, 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: 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 Eric Goff and seconded by Vickana Norton 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 April 18, 2022 meeting minutes. Call for question. The motion carried unanimously.

6. PUBLIC HEARINGS

REQUEST FOR FINAL PLAT APPROVAL

a. **Bridle Creek, Phase 8, Lots 550-557 & 560-574, File# 2201-027**

The project is located along the east and west sides of Barrel Race Road within the Bridle Creek subdivision.

The phase proposes 23 single family residential lots on approximately 19 acres, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.
Steve Cvijanovich was present representing the project.

Public Comment:

Clarence Settle, resident of Bridle Creek, read his comments (attached).

Steve Cvijanovich answered that the amenity site is complete with the exception of the pool and pool house. He stated that the developer is getting mixed responses from the residents of the community because a pool is very expensive to operate and the HOA will have to pay for them. He stated that the play area was intended to be a grass level that kids could play, he stated that that is in and complete. He stated that an asbuilt was prepared and the tot lot, the basketball court, and the parking area is there. Mr. Cvijanovich stated that the site is completely graded and Stormwater management is in and stabilized and functional with exception of the pool house and pool.

Linda Barnhart asked if Doug Smith and Laura Hoffmaster could meet with Steve Cvijanovich to see what is actually completed in Bridle Creek.

Doug Smith stated that he would look at all the asbuilts and will sit down with Mr. Cvijanovich and respond to Mr. Settle.

Steve Cvijanovich stated that that actions that Mr. Settle stated on his handout were approved by the Planning Commission. He stated that the times he has been to the Bridle Creek amenity site there has only been one or two cars at that site.

Doug Smith stated that the drawing that was handed out was the sketch and not the Preliminary Plan with all the details.

Eddie Gochenour asked if the HOA has been turned over to the residents.

Steve Cvijanovich stated that Sections 1-4 have gone through the process to have the bonds released and in order to do that the lands have to be dedicated to the HOA.

Eddie Gochenour stated that the amenities that were proposed showed a pool and people are probably expecting the amenities. He stated that the homeowners should be able to make that decision.

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 \$806,791.81. Plat to be released upon receipt of surety and Developer's Agreement. Call for question. The motion carried unanimously.

b. Arcadia Springs North, Section 1, Phase 6, Lots 121-124 & 214-228, File# 2203-077

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

The developer is proposing 19 single family attached lots on approximately 7.3 acres, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.

Lynch Christian was present representing the project.

There were no comments from the public.

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

ACTION TAKEN: The motion was made by Eddie Gochenour and seconded by Tim Lewis to approve the Final Plat contingent upon receipt of surety in the amount of \$742,224.00. Plat to be released upon receipt of surety and Developer's Agreement. Call for question. The motion carried unanimously.

REQUEST FOR MAJOR PLAN CHANGE APPROVAL

c. Webber Springs, Section 3, Phase 2, File #2201-007

The site is located along Middleway Pike (WV Rt. 51), approximately 1,800' south of Sulphur Springs Road (WV Rt. 4).

The Major Plan Change proposes 5 single family detached lots, on approximately 1.4 acres, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.

Mike Roberts 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 of the Major Plan Change and advancement to the Final Plat stage. Call For question. The motion carried unanimously.

REQUEST FOR SKETCH PLAN ADVANCEMENT

d. Chancellorsville Industrial, File #2202-043

The site is located north of its intersection of Hammonds Mill Road (WV. Rt. 901) and Chancellorsville Drive.

The project proposes a 915,420 sq. ft. industrial building, on approximately 71 acres, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.
Dereck Reardon was present representing the project.

There were no comments from the public.

Eddie Gochenour asked if there was a traffic impact study done.
Doug Smith answered that the improvements needed are being rolled up into what is already being done in that area.
Dereck Reardon stated that they received a conditional approval from DOH and no additional improvements are required.

ACTION TAKEN: The motion was made by Eric Goff 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 Nic Diehl to approve the advancement of the Sketch Plan to the Preliminary Plan stage. Call For question. The motion carried unanimously.

7. PRELIMINARY PLAN APPROVAL

a. All Nations Outreach Center, File# 2105-178

The project is located approximately 0.1 mile west of County Route 9/15 and 9/80, south of WV Route 9.

The project proposes a 13,600 sq. ft. church, basketball facility, and day care facility, to be served by public water and private septic system.

Laura Hoffmaster read the description and project notes.
Andy DiMagno was present representing the project.

ACTION TAKEN: The motion was made by Tim Lewis 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.

b. Baker's Crossing Townhome Subdivision, File# 2103-093

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

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

Laura Hoffmaster read the description and project notes.
Brooke Walburn 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 WAIVER

a. Butts Properties, LLC, File# 2203-070

The site is located on the south side of Nadenbousch Lane (WV Rt. 34), approximately 0.7 miles east of Winchester Avenue (US Rt. 11), in the Hillcrest Heights subdivision.

The developer is proposing the subdivision of an existing 0.65 acre parcel, creating one 0.38 acre parcel and one 0.28 acre parcel. Both parcels would be served by public water and sewer.

Laura Hoffmaster read the description and project notes.
Greg Yeberneysky was present representing the project.

The public hearing was closed at the April 4, 2022 Planning Commission Meeting.

Eddie Gochenour asked about the issue with the property corners that was brought up at the public hearing.

Greg Yebernetsky answered that he found and flagged the corners and remarking what was already done. He stated that the parcels were merged and they were just making them two lots again.

ACTION TAKEN: The motion was made by Eric Goff and seconded by Eddie Gochenour to un-table the project. 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 305.4.1 of the Berkeley County Subdivision Ordinance (2009) requiring a 2 acre minimum lot size, in order to proceed though the Preliminary/Final process. Call for question. The motion carried unanimously.

9. REQUEST FOR FINAL PLAT DETERMINATION

a. Webber Springs, Section 3, Phase 2, Lots 314-318, File #2111-417

The site is located along Middleway Pike (WV Rt. 51), approximately 1,800' south of Sulphur Springs Road (WV Rt. 4).

The Major Plan Change proposes 5 single family detached lots, on approximately 1.4 acres, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.
Mike Roberts 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 June 6, 2022 Planning Commission Meeting. Call for question. The motion carried unanimously.

10. STAFF/ COUNSEL DISCUSSION/ACTION/ MOTION

Doug Smith stated that he completed the draft of the MS4 Stormwater Ordinance and has given it to legal.

Linda Barnhart asked that everyone take a look at Mr. Settle's comments.

Laura Hoffmaster stated that she responded to his comments a few times, but she will go through the handout and respond to the comments again.

11. ADJOURNMENT

ACTION TAKEN: The motion was made by Eric Goff and seconded by Nic Diehl to adjourn the meeting at 6:45 PM. Call for question. The motion carried unanimously.

Respectfully submitted,
Sarah Sandri
Administrative Assistant

Berkeley County Planning Commission Meeting Minutes, May 2, 2022.

To: Berkeley County WV Planning Commission (BCPC) Meeting 5/2/22

From: Clarence and Susan Settle
296 Balmoral Ln
Martinsburg WV
25404 (304) 616-7878

Subject: Public Hearing for Phase 8, Final Plat Approval

Actions that have taken place in Bridle Creek Subdivision since 2014:

Reduction of Open Recreation Area from 5.5 acres to 3.5 acres.

Waiver to reduce 161 parking spaces required down to 50 spaces for Rec Area.

Exception to section 705 of 2009 Subdivision Regulations requiring Sidewalks.

Phase 5, 6 and 7 and now Phase 8 is under construction with heavy duty equipment in all areas with 40 to 60 homes in the middle of the construction.

Starting in Phase 6 of Bridle Creek, the roads have been reduced from 25ft wide to 18ft wide.

Because we are a rapidly growing community, we would like to see the Pre-teen area and the 60ft x 75ft Play area be installed in our Recreational Area as shown on the Bridle Creek Phase 4A Sketch Plan. Our neighborhood needs to be Kid Friendly.

As stated in the Bridle Creek Declaration of Covenants, Conditions, and Restrictions: Article XI page 25 (cc) General Storage All permitted personal property including but not limited to garbage containers bicycles, toys and so on shall be stored within the home or garage upon each lot. Community Recreation Areas give Kids a safe place to play and is vital to the well-being of our community .

Enclosed is a copy of the letter laying out the amenities of our community from the Bridle Creek Homeowners Association (Homeowners Association) dated July 28, 2015. The Homeowners Association is controlled by Panhandle Homes of Berkeley County (Developer) as a homeowner we have no vote and get limited updates.

In the letter it states: "As stated in the past, these improvements continue to be part of the development plan for Bridle Creek and we are hopeful that the Bridle Creek Community will continue to grow and be able to support these amenities for all resident"

Currently there are over 400 homes in our community now and more under construction. In 2015 we had a total 100 homes. It's time to add the additional play areas. We are seeking the Planning Commissions support in obtaining the upgrades for the safety of our growing family community.

I have been serving on the Development Roundtable since 2016 and the BCPC Staff has been working on rewriting the 2009 subdivision regulations. We reviewed the Draft of the 2022 Subdivision Regulations and submitted the following recommendations to be adopted.

- * Require Recreation Area to be established before the construction begins on the New Subdivision. (welfare of residents)
- * Require percentage of recreational facilities be installed as construction advances i.e 25%, 50% and 75%. (welfare of residents)
- * Require minimum size road for sidewalks. (pedestrian & drivers safety)
- * Require minimum size road without sidewalks. (pedestrian & drivers safety)
- * Require the road width be determined before the construction starts. Do not allowed road width change inside Subdivision. (pedestrian & drivers safety)
- * Require infrastructure and a plan for Phased Construction to be in place before the construction of dwellings. (health, safety & welfare of residents)

Mission Statement

The Planning Department is one of the departments operating under the authority of the Berkeley County Council. The department's mission is to help protect the health, safety and welfare of the residents of the county. This is achieved by providing direction and oversight for orderly, sound and cost effective land development within the Berkeley County through the administering of the Subdivision Regulations.

Respectfully



Clarence and Susan Settle



Homeowners Association, Inc.
 222 Langston Boulevard, Martinsburg, WV 25404
 304/274-1920 Fax 304/274-1925
 bchoa@panhandlebuilders.com
 July 28, 2015

Dear Bridle Creek Homeowner:

Panhandle Homes of Berkeley County, as the developer for Bridle Creek, is in the process of receiving formal approval from the Berkeley County Planning Commission for Phase 4-A, which consists of the area designated as "Recreation Area" located along Balmoral Lane and directly behind homes already built on Harness Race Road, as well as 8 new single family lots.

Attached is a copy of the sketch plan that will be reviewed at Public Hearing.

Please be aware that this does not mean that these amenities will be installed in the near future. Only "mass grading" of the land will be taking place at the present time. However, this means that when economic conditions are favorable, these proposed lots and improvements will already be formally approved by the County, and this development will be able to proceed.

As stated in the past, these improvements continue to be part of the development plan for Bridle Creek and we are hopeful that the Bridle Creek Community will continue to grow and be able to support these amenities for all residents.

L. Allen Henry, President of Panhandle Homes of Berkeley County
 President of Bridle Creek Homeowners Association, Inc.

