



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

Berkeley County Planning Commission Agenda

May 1, 2017 @ 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. PRELIMINARY PLAN ADVANCEMENT
 - a. Thistle Landing Lots, Section C (Lots 13-51) - #020-15
7. FINAL PLAT DETERMINATION
 - a. Cold Spring Run PUD - #017-15
8. RE-PLAT APPROVAL
 - a. Riverside Villages, Phase 3 Re-Plat Lot 263 - #18-03
9. REQUEST FOR CONSIDERATION
 - a. Wholesale Fireworks #001-17 - Sidewalk Exception
10. STAFF/COUNSEL DISCUSSION/ACTION/MOTION
11. 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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STAFF REPORT PRELIMINARY PLAN ADVANCEMENT May 1, 2017

Project: Thistle Landing Lots, Section C (Lots 13-51)

File #: 020-15

Developer: Top Dollar Investments, LLC
 P.O. Box 2664
 Martinsburg, WV 25402

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), in the Mill Creek Tax District.

Project Description: The project proposes thirty-nine (39) single family lots on approximately 29.461 acres.

Administrative History:

APPROVAL LETTERS	DATE RECEIVED
Berkeley County Health Department (Wells and Septic)	
Berkeley County Public Service Water District (Water Availability)	9/16/2016
Berkeley County Public Service Sewer District (Sewer Availability)	9/16/2016
State Health Department (Water)	4/11/2017
State Health Department (Sewer)	4/11/2017
Department of Highways (Entrance Permit) Letter Received	4/11/2017
Central Dispatch (Road Names) approved	9/14/2016
GPP Permit Application	
NPDES Permit Application	3/28/2017
*Traffic Study	N/A (3/30/2017)
*School Impact Analysis	9/25/2015
Appendix C – Environmental Impact Checklist	9/25/2015

MEETINGS & SUBMISSIONS	DATE
Waiver Requests	
Waiver Requested	N/A
Waiver Request Advertised	
Waiver Granted	
Original Sketch Plan	
Original Sketch Plan Submitted	07/14/2015
1 st Review Comments	7/29/2015 – P 8/5/2015 – E
Sketch Plan Re-Submitted	8/7/2015
Sketch Plan Public Hearing Advertised	8/17/2015
Original Sketch Plan Advancement Meeting/Approved	09/08/2015
Amended Sketch Plan (1)	
Amended Sketch Plan Submitted	9/25/2015
1 st Review Comments	10/2/2015 – P 10/16/2015 – E
Amended Sketch Plan Re-Submitted	10/5/2015
Amended Sketch Plan Public Hearing Advertised	11/1/2015
Amended Sketch Plan Advancement Meeting / Approved	11/16/2015
Amended Sketch Plan (2)	
Amended Sketch Plan Submitted	5/11/2016
1 st Review Comments	5/16/2016-P 6/4/2016-E
Amended Sketch Plan Re-Submitted	6/24/2016
Amended Sketch Plan Public Hearing Advertised	7/4/2016
Amended Sketch Plan Advancement Meeting / Approved	7/18/2016
Preliminary Plan	
Preliminary Plan Submitted	9/14/2016
1 st Review Comments	10/4/2016 – P 11/1/2017 - E
Preliminary Plan Re-Submitted	1/5/2017
Preliminary Plan Advancement Meeting / Approved	
Final Plat	
Final Plat Submitted	
1 st 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: No waivers or exceptions are proposed with this project.

Project Notes: The project proposes thirty-nine (39) single family lots on approximately 29.461 acres. The proposed lots will all be accessed via an internal road system. All lots are proposed to be served by public water Service public sewer. Storm Water

Management facilities for the proposed development will be located in the space provided in the development.

Engineer Report:

On March 20, 2017, the County Engineer found the project to be in substantial completion with the Preliminary Plat requirements of the Subdivision Ordinance.

Staff Recommendation:

The Preliminary Plat meets the requirements of the 2009 Subdivision Ordinance; therefore, Staff recommends advancement of the Preliminary Plat to the Final Plat stage.

Respectfully Submitted,

The Planning Department



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STAFF REPORT FINAL PLAT DETERMINATION May 1, 2017

Project: Cold Spring Run Planned Unit Development (P.U.D.)

File #: 017-15

Developer: Cold Spring Run, LLC
3 Sue Court, Suite B
Martinsburg, WV 25405

Engineer: D.A. Stansbury Engineering
3 Sue Court, Suite B
Martinsburg, WV 25405

District, Tax Map & Parcel #: Arden District, Map 10, Parcels 57, 57.2 and 57.3

Location: The site is located on WV Route 9/13 (Kelly Island Road), approximately 2000' feet north of WV Route 19 (Paynes Ford Road), in the Arden Tax District.

Project Description: The project is proposing a Planned Unit Development of eighty-nine (89) units consisting of single family homes, tri/quad units, and townhomes on approximately 31 acres.

Administrative History:

APPROVAL LETTERS	DATE RECEIVED
Berkeley County Health Department (Wells and Septic)	
Berkeley County Public Service Water District (Water Availability)	8/19/2016
Berkeley County Public Service Sewer District (Sewer Availability)	8/19/2016
State Health Department (Water)	12/13/2016
State Health Department (Sewer)	8/19/2016
Department of Highways (Entrance Permit)	8/19/2016
Central Dispatch (Road Names) approved	8/22/2016
GPP Permit Application	8/19/2016
NPDES Permit Application	8/19/2016
DEP Approval	11/21/2016
*Traffic Study (Correspondence from WVDOH)	11/3/2016
*School Impact Analysis	6/17/2015
Appendix C – Environmental Impact Checklist	6/17/2015

MEETINGS & SUBMISSIONS	DATE
Waiver Requests	
Waiver(s) & Exception Requested	6/17/2015

May 1, 2017

Waiver(s) Request Advertised	6/29/2015
Waiver(s) & Exception Granted	7/20/2015
Sketch Plan	
Sketch Plan Submitted	6/17/2015
1 st Review Comments	6/20/2015-P 7/31/2015-E
Sketch Plan Resubmitted	8/12/2015
2 nd Review Comments	9/9/2015-P 9/17/2015-E
Sketch Plan Re-Submitted	10/8/2015
Sketch Plan Public Hearing Advertised	10/26/2015
Sketch Plan Advancement Meeting / Approved	11/16/2015
Preliminary Plan	
Preliminary Plan Submitted	8/19/2016
1 st Review Comments-Planning	9/7/2016
1 st Review Comments-Engineering	9/21/2016
Preliminary Plan Re-Submitted	12/2/2016
Preliminary Plan Conditional Completion-Planning	12/4/2016
2 nd Review Comments-Engineering	11/9/2017
Preliminary Plan Re-Submitted	1/17/2017
Engineering Complete	2/16/2017
Preliminary Plan Advancement Meeting / Approved	3/6/2017
Final Plat	
Final Plat Submitted	3/9/2017
1 st Review Comments	3/13/2017
Final Plat Re-Submitted	3/24/2017
Final Plat Determination Meeting	5/1/2017
Final Plat Public Hearing Advertised	
Final Plat Public Hearing	
Final Plat Approval	
Bond Reduction	

Waivers/ Exceptions:

At the July 20, 2015 Planning Commission meeting, the developer was granted the following exception and three (3) waivers:

- Section 705 – Sidewalk exception: The developer was granted an exception to not install sidewalks along WV Route 9/13 (Kelly Island Road);
- Waiver 1: Table 8-1A.8 – Parking Requirements: The Ordinance requires one (1) additional parking space per townhome unit to be placed off-site. The developer was granted a waiver to provide the required parking on-site.
- Waiver 2: Section 504.D – Panhandle Lots: The Ordinance requires panhandle lots to have a minimum width of twenty-five (25) feet. The developer received a waiver to reduce the required width to seventeen (17) feet to achieve a boxed quadruplex design.
- Waiver 3: Appendix A 1.10 – Cul-de-sac: The Ordinance requires cul-de-sacs in residential developments for turn-around purposes. The

developer obtained a waiver to use a “T” design turn-around on an alley way.

Project Notes:

The project is proposing a mixed housing type development as a Planned Unit Development (P.U.D.). Eighty-nine (89) units are proposed, 16 single family dwellings, 44 duplexes, and 29 townhomes. The units will be served by public water and sewer

Engineer Report:

The County Engineer issued a letter on April 18, 2017, stating the plan meets the requirements of the 2009 Berkeley County Subdivision Ordinance. Therefore, the County Engineer recommends Preliminary Plan advancement.

Staff Recommendation:

The Final Plat meets the requirements of the 2009 Subdivision Ordinance; therefore, Staff recommends advertising a public hearing and the consideration of final plat approval, at the June 5, 2017 Planning Commission Meeting.

Respectfully Submitted,

The Planning Department



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STAFF REPORT RE-PLAT APPROVAL May 1, 2017

Project: Riverside Villages, Phase 3 Re-Plat Lot 263

File #: 18-03

Developer: Marlowe Towne Center, LLC
9745 Garish Shop Road
Hagerstown, MD 21740

Engineer: Eco Land Solutions
223 N. Prospect St, Ste 304
Hagerstown, MD 21740

District, Tax Map & Parcel #: Falling Waters District, Map 6, Parcel 262

Location: The property is located on the west side of US Route 11 (Williamsport Pike), just below its intersection with Interstate 81 at the intersection of Corporate Boulevard West and Halfway Boulevard, in the Falling Waters Tax District.

Project Description: The project proposes to develop six (6) townhomes on approximately one acre.

Administrative History:

APPROVAL LETTERS	DATE RECEIVED
Berkeley County Health Department (Wells and Septic)	6/15/2004
Berkeley County Public Service Water District (Water Availability)	3/11/2003, 8/15/2005
Berkeley County Public Service Sewer District (Sewer Availability)	9/1/2005
State Health Department (Water)	n/a
State Health Department (Sewer)	9/1/2005
Department of Highways (Entrance Permit) Letter Received	7/28/2005
Central Dispatch (Road Names) approved	7/15/2003
GPP Permit Application	1/26/2004, 9/1/2005
NPDES Permit Application	10/22/2004
*Traffic Study	3/11/2003
*School Impact Analysis	3/11/2003
Appendix C – Environmental Impact Checklist	n/a

MEETINGS & SUBMISSIONS	DATE
Pre-Application STAC Meeting	4/7/03

May 1, 2017

Preliminary Plan	
Preliminary Plan Submitted	4/20/05
Preliminary Plan Re-Submitted	
Preliminary Plan Public Hearing / Approved	11/7/05
Final Plat	
Final Plat Submitted	8/11/2016
1 st Review Comments	P-8/17/2016 E-8/31/2016
Final Plat Re-Submitted	9/2/2016
Final Plat Determination	10/17/2016
Final Plat Public Hearing	
Final Plat Approval	
Bond Reduction	

Waivers/Variances: No waivers or variances have been requested.

Project Notes: This project was originally submitted under the 1975 Subdivision Ordinance. The Re-plat proposes combining lots 262 and 263 resulting in lot 263R.

Engineer Report: The County Engineer issued a letter on March 29, 2017, stating the Re- Plat meets the requirements of the Subdivision Ordinance; Therefore, the County engineer recommends approval of the Re-Plat.

Staff Recommendation: The Re-Plat meets the requirements of the 1975 Subdivision Ordinance; therefore, Staff recommends approval of the Re-Plat.

Respectfully Submitted,

The Planning Department



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**STAFF REPORT
REQUEST FOR SIDEWALK EXCEPTION
May 1, 2017**

Project: Wholesale Fireworks

File #: 001-17

Developer: Wholesale Land Investments LLC
1500 East 27th St Terrace
Pittsburg, KS 66762

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

District, Tax Map & Parcel #: Falling Waters District, Tax Map 6, Parcel 22

Location: Along the south side of U.S. Route 11 and adjacent to exit ramp of I-81, south of Marlowe.

Project Description: The purpose of this development is to construct a building to sell fireworks on 2.3234 acres.

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	1/5/2017

MEETINGS & SUBMISSIONS	DATE
Waiver Requests	
Waiver Requested	N/A
Waiver Request Advertised	
Waiver Granted	
Sidewalk Exception Requested	2/20/2017
Sidewalk Exception Approved	
Sketch Plan	
Sketch Plan Submitted	1/5/2017
1 st Review Comments	1/19/2017
Sketch Plan Re-Submitted	3/20/2017
Sketch Plan Approved	3/22/2017 – P 3/27/2017 – E
Sketch Plan Public Hearing Advertised	4/3/2017
Sketch Plan Advancement Meeting / Approved	4/17/2017
Preliminary Plan	
Preliminary Plan Submitted	
1 st Review Comments	
Preliminary Plan Re-Submitted	
Preliminary Plan Advancement Meeting / Approved	
Final Plat	
Final Plat Submitted	
1 st 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 applicant has requested a sidewalk exception to be issued for this project. The location, along route 11, of this project is not conducive to sidewalks or pedestrian use. Other recent sidewalk exceptions include Village at Spring Mills (#022-16) along route 11 and CM Properties Mini Storage (#013-16) also along route 11.

Project Notes:

This project proposes an 8,000 square foot retail building on 2.3234 acres to be served by public water and individual septic. The public hearing for this project was held on April 17, 2017 and the Sketch Plan was advanced to Preliminary Plat.

Engineer Report:

The Engineer issued a letter on March 27, 2017, stating that the plat meets the requirements of the 2009 Berkeley County Subdivision Ordinance.

Staff Recommendation:

The Sidewalk Exception meets the requirements of the Subdivision Ordinance; therefore, Staff recommends approval of the sidewalk exception.

Attachment – Sidewalk Exception justification letter

Respectfully Submitted,

The Planning Department



DiMAGNO CONSULTING, INC.

61 Eagle School Road
Martinsburg, WV 25404-7502
Office 304-263-0157 • Fax 304-267-0797

MAR 21 2017

Berkeley County
Planning Commission

February 20, 2017

Berkeley County Planning Commission
Jamie R. MacLean, CEM, CZO, Planner II
400 West Stephen Street, Suite 203
Martinsburg, WV 25401-3838

RE: Sketch Plan for Wholesale Fireworks (#001-17)

Dear Mrs. MacLean:

On behalf of the owner we are requesting an exception to Section 705 of the Berkeley County Subdivision Ordinance which requires at least one sidewalk along Arterial and Collector Subdivision streets. Our project is located along U.S. Route 11 at the intersection with the on and off ramps for I-81 North. Sidewalks should not be built in such areas. Pedestrian traffic should not be encouraged along dangerous highways.

If there are any further questions or comments, please contact me by phone at 304-263-0157 or by email at jim@pcdimagno.com.

Sincerely,

James E. Hutzell
DiMagno Consulting, Inc.
JEH/vlr