

## THE BERKELEY COUNTY PLANNING COMMISSION MINUTES

The Berkeley County Planning Commission met in a regular session on November 7, 2016, in the Council Chambers at 400 W. Stephen St., Martinsburg, West Virginia.

### CALL TO ORDER

1. The meeting was called to order at 6:00 p.m. by Donald Fox, presiding.

### 2. ROLL CALL

- a. PLANNING COMMISSION MEMBERS PRESENT: Donald Fox; Linda Barnhart; Gary Matthews; Jim Whitacre; Michael Green

- b. MEMBERS ABSENT:; Daniel Gantt;; Vickana Norton; Eric Goff; John Hardy

STAFF: Mike Thompson, Director Planning  
 Monique Boots- Administrative Assistant  
 Heather Williams- Planner  
 Brian Ross- Director Engineering  
 Norwood Bentley-County Attorney

### 3. APPROVAL OF THE AGENDA

**ACTION TAKEN:** The motion was made by Jim Whitacre seconded by Gary Matthews to approve the Agenda. Call for question. The motion carried unanimously.

### 4. SUNSHINE LAW SPEAKERS

None

### 5. APPROVAL OF MEETING MINUTES

- a. October 17, 2016

**ACTION TAKEN:** The motion was made by Linda Barnhart seconded by Gary Matthews to approve the October 17, 2016 meeting minutes. Call for question. The motion carried unanimously. Michael Green, Jim Whitacre abstained due to absence.

### 6. PUBLIC HEARINGS

- a. **REQUEST PLAN CHANGE- Nestle Woods, Section 2- File #86-04**

The property is located along Nestle Quarry Road, approximately 3,000 feet north of the intersection with Grade Road, in the Falling Waters Tax District.

Developer: Nestle Bluff, LLC; Engineer: K & D Development Services, LLC

Mike Thompson read the description and project notes.

Dan Llewellyn was present on behalf of the developer.

**PUBLIC COMMENT:** None

**ACTION TAKEN:** The motion was made by Jim Whitacre and seconded by Gary Matthews to close the Public Hearing. Call for question. The motion carried unanimously.

**ACTION TAKEN:** The motion was made by Michael Green and seconded by Linda Barnhart to approve the Plan Change from public water and sewer to private well and septic, as well as a reduction in the number of single family lots from ninety six (96) to twenty (20) on 53.48 acres. Call for question. Motion carried unanimously.

**b. REQUEST PLAN CHANGE- Hickory Run- File #100-03**

The site is located on the south side of WV 9 (Hedgesville Road), approximately 300 feet east of its intersection with WV 23 (Butts Mills Road), in the Hedgesville Tax District.

Developer: Vista Development Corp; Engineer: Allegheny Surveys

Mike Thompson read the description and project notes.

Zack Walburn was present on behalf of the developer.

**PUBLIC COMMENT:** Jeff Dove was concerned about impending changes to lot 35. Billy Simmons was concerned about property sales being halted until plan is approved. John Waddle shared that concern, as did Judith Dieffenderfer. Jan Heckman spoke about issues unrelated to this particular project but relative to the subdivision- 131 Jared Ct. He stated there are no signs and many ditches created for the last three years while the sewer was being built for Phase 1 section 1.

Zack Walburn assured residents present there were only three lots affected by the plan change Lots 37, 39 and 51 and the change had to do only with bio-retention. He stated there would be no improvements on individual lots in question. Norwood Bentley confirmed the only the developer could not sell any additional lots until the issue with storm water was resolved; and has nothing to do with individual owners selling their own lots.

**ACTION TAKEN:** The motion was made by Gary Matthews and seconded by Michael Green to close the Public Hearing. Call for question. The motion carried unanimously.

**ACTION TAKEN:** The motion was made by Michael Green and seconded by Gary Mathews to table the project until the receipt of the county engineer's approval. Call for question. Motion carried with Linda Barnhart opposing.

**c. REQUEST SKETCH PLAN ADVANCEMENT- Rock Cliff Townes- File #025-16.** The property is located on the east side of WV. Rt. 10 (Rock Cliff Drive) south of I-81, in the Hedgesville Tax District.

Developer: ILA Properties, Inc.; Surveyor: Roberts Land Surveying

Mike Thompson read the description and project notes.

Mike Roberts was present on behalf of the developer.

**ACTION TAKEN:** The motion was made by Linda Barnhart and seconded by Jim Whitacre to close the Public Hearing. Call for question. The motion carried unanimously.

**ACTION TAKEN:** The motion was made by Linda Barnhart and seconded by Jim Whitacre to approve and advance the sketch to the Preliminary Plan stage. Call for question. The motion carried unanimously.

- d. **REQUEST SKETCH PLAN ADVANCEMENT- First United Bank and Trust - File #032-16.** The property is located at the intersection of Rt. 11 and Rt. 51, in the Mill Creek Tax District.

Developer: DBSI, Inc., Engineer: Triad Engineering

Mike Thompson read the description and project notes.

Eric Iser was present on behalf of the developer.

**ACTION TAKEN:** The motion was made by Gary Matthews and seconded by Jim Whitacre to close the Public Hearing. Call for question. The motion carried unanimously.

Eric Iser stated the project is at the corner of 51 West. DOH is taking a portion of the lot in light of this First United is redeveloping the site with a new building.

**ACTION TAKEN:** The motion was made by Linda Barnhart and seconded by Jim Whitacre to approve plan, including the requested sidewalk exception, and advance the sketch to the Preliminary Plan stage. Call for question. The motion carried unanimously.

## 7. PRELIMINARY PLAN ADVANCEMENT

- a. **REQUEST PRELIMINARY PLAN ADVANCEMENT-Vanville Substation- File#014-16.** The property is located approximately seven miles south of Martinsburg off of WV 19 (Paynes Ford Road), in the Arden Tax District.

Developer: Potomac Edison, Engineer: GAI Consultants

Heather Williams read the project description.

John Webber was present on behalf of the developer.

**ACTION TAKEN:** The motion was made by Michael Green and seconded by Jim Whitacre to approve and advance the Preliminary Plan to the Final Plat stage. Call for question. The motion carried unanimously.

**8. PRELIMINARY/FINAL APPROVAL**

**a. REQUEST PRELIMINARY/FINAL APPROVAL-Honeywood South, Lot 1- File# 098-03.** The property is located on the east side of Route 2/1 (Vineyard Road), approximately 2,500 feet north of Georgetown Road, in the Falling Waters Tax District.

Developer: Keedysville Land Company, Engineer: Fox and Associates

Mike Thompson read the project notes.

Steve Cvijanovich was present on behalf of the developer.

**ACTION TAKEN:** The motion was made by Linda Barnhart and seconded by Gary Matthews to approve the Preliminary/Final Plat. Call for question. The motion carried unanimously

**9. FINAL PLAT DETERMINATION**

**a. REQUEST FINAL PLAT DETERMINATION-Heritage Hills Section 1, Phase 1B, Lots 45-47, 68-81-File#44-05.** The site is located on the north side of WV Route 19 (Paynes Ford Road), approximately 0.4 east of its intersection with WV Route 19/3 (Kelly Island Road), in the Arden Tax District:

Developer: Oakwood HH, LLC, Engineer: K & D Development Services, LLC

Mike Thompson read the description.

Dan Llewellyn was present on behalf of the developer.

**ACTION TAKEN:** The motion was made by Michael Green and seconded by Jim Whitacre to approve advertising the Final Plat for a Public Hearing on December 5, 2016. Call for question. The motion carried unanimously.

**b. REQUEST FINAL PLAT DETERMINATION-Stoney Ridge, Section 2, Phase 2 D, Lots 54-56, and 112-115.** The property is located on the east side of Rt. 51/5 (Henshaw Rd) and approximately 1 mile south of the intersection of Rt. 51 and Rt. 51/5, in the Mill Creek Tax District

Developer: Stoney Ridge, LLC, Engineer: D A Stansbury

Mike Thompson read the description.

Sol Trotter was present as the developer.

**ACTION TAKEN:** The motion was made by Jim Whitacre and seconded by Gary Matthews to approve advertising the Final Plat for a Public Hearing on December 5, 2016. Call for question. The motion carried unanimously.

**10. STAFF/COUNSEL DISCUSSION/ACTION/MOTION**

Heather Williams stated the Comprehensive Plan has been adopted; copies have been made and sent to the county library branches and emails distributed. There have been minor comments concerning websites, etc. It is finished and ready for use.

Norwood Bentley stated the Chandlers Glen settlement is final. Work has begun and has been well received by homeowners.

**11. ADJOURNMENT**

**ACTION TAKEN:** The motion was made by Gary Matthews and seconded by Jim Whitacre to adjourn the meeting at 6:35 p.m. Call for question. The motion carried unanimously.

Respectfully Submitted,

Monique Boots  
Administrative Assistant