

Morgan County Planning Commission  
Meeting Minutes  
August 23, 2016  
Morgan County Commission Meeting Chambers

I. CALL TO ORDER

Meeting was opened at 7:07 p.m.

Members present: Jack Soronen, Robert Ford, Scott Swaim, Carl Cowgill, Lori Hansroth, Justin Andrews, Susan Parker, Wayne Omps.

Members absent: George Didawick, Eric LaRue, Robert White.

Other's present: Alma Gorse, Richard Parks, P.E., see attached sign-in sheet.

II. MEETING MINUTES

On a S. Swaim/S. Parker motion, the minutes from the July 26, 2016 meeting were unanimously approved.

III. MORGAN COUNTY COMMERCIAL AND INDUSTRIAL IMPROVEMENT LOCATION PERMIT ORDINANCE APPLICATION

Developer: Sheetz, Inc.

Property owner: John & Doris Barker

Location: Intersection of Rt. 522 and Winchester Grade Road, northwest corner; 2151 Valley Road, Berkeley Springs.

Bath District, Tax Map 7, Parcel 24 – 2.00 acres

Project description: Consists of a 5420 square foot convenience store, 5 gas pumps and paved parking area.

**Staff Report prepared by A. Gorse, County Planner, provided to Planning Members:**

**Morgan County Planning Commission Meeting – August 23, 2016**

**August 12, 2016**

**Commercial and Industrial Improvement Location Permit Application**

Sheetz, Inc.

Property owned by John & Doris Barker

Located: 2151 Valley Road, Intersection of Winchester Grade Road and Rt. 522

Berkeley Springs, WV

Bath District, Tax Map 7, Parcel 24 – 2.00 acres

**Project Description:** Construction of a 5420 square foot convenience store, 5 gas pumps and paved parking area.

**Background Information:**

Public notice was posted two times as required by the Ordinance in the Morgan Messenger on July 27, 2016 and August 3, 2016. Sign was posted at the site on July 28, 2016.

A completed application has been received and the site plan addresses the requirements listed in Section 3.2 of the Ordinance, specifically:

- Landscape plan;
- Fencing /Buffering;
- Exterior Lighting;
- Interior roadways and parking;
- Pedestrian sidewalks and walkways;
- Provisions for solid waste collection;
- Open space;
- Communications antennas- not applicable;
- Signs;
- Proposed land uses, Building Location;
- Location of Material Storage;
- Location of special facilities for refuse collection, mail delivery if applicable;
- Stormwater management provisions/Sediment and Erosion Control;
- Traffic Flow and Control Devices;

Other applicable permits/approvals received are:

- WVDOH Entrance Permit approvals (three entrance permits – Rt. 522, 2 for Winchester Grade (store entrance and new entrance for residences) ;
- Water approval from BSWW;
- Sewage Permit from WSPSD;
- WVDEP NPDES Stormwater Permit (NOI);
- WV Fire Marshall Review and Approval;
- EPCD sediment and erosion control review – Letter received stating they no longer provide this service –
- We do our own stormwater and sediment & erosion control review.

*Engineer Report – July 29, 2016*  
*Arro Consulting – Richard Parks, P.E.*  
*Sheetz, Inc. – Commercial ILP Application*  
*5420 sq. ft. Store construction*

*We have reviewed the revised plans submitted for review and approval. We find the plans submitted meet the technical requirements of the County Ordinances with the following conditions:*

- 1. The lighting plan was not included in the most recent submittal, We cannot at this time verify that previous comments have been adequately addressed.*
- 2. Provide copies of all applicable agency permits and approvals.*

*Engineer Report – August 5, 2016*

Arro Consulting – Richard Parks, P.E.  
Sheetz, Inc.- Commercial ILP Application  
5420 sq. ft. store construction  
Lighting Plan Review

*We have reviewed the revised lighting plan for the new Sheetz Store. We would suggest the Engineer add a note to the lighting plan to reinforce the intent of the ordinance section 4.5 such as the following:  
“The site lighting shall avoid emitting objectionable glare observable from surrounding properties or streets and make every attempt to eliminate light spillover and glare on motor vehicle operators, pedestrians and land uses within the light source’s proximity. All lighting shall be directed downward and inward to the site. Should the actual impact of the lighting after construction create objectionable glare or light spillover, Morgan County shall direct the developer to immediately relieve any legitimate concerns.”*

*Otherwise, the plan meets the minimum technical requirements of the ordinance.*

Staff was provided an updated lighting plan at the meeting showing no light spillover outside the boundaries of the store’s property. Staff had stated that this meets the technical requirements of our ordinance.

Representatives from Sheetz, Inc, Robert Franks and Brian Dinges, along with their engineer Jason Gerhart from Gordon and Associates opened the discussion by describing the project and provided displays showing the exterior of the building. The approved West Virginia Department of Transportation Entrance Permit for the new store does not require a traffic light to be installed at the intersection of Rt. 522 and Winchester Grade Road.

Many of the public comments made were about traffic congestion, difficulty exiting Morgan Terrace Subdivision, located on the west side of Rt. 522 close to the intersection, and the difficulty exiting at Winchester Grade Road onto Rt. 522. Citizens present spoke of petitioning/writing to the West Virginia Department of Transportation regarding the approved entrance permit and request that they reconsider the installment of a traffic light.

After some discussion and review, the Morgan County Planning Commission took the following action. On a L. Hansroth/C. Cowgill motion, the Morgan County Planning Commission approved the Commercial and Industrial Improvement Location Permit application for Sheetz, Inc. for the construction of a 5,420 square foot convenience store with five gas pumps and paved parking area. Motion carried.

County Commissioner Robert Ford thanked the representatives from Sheetz for providing a good site plan and layout of the new store.

Planning member W. Omph encouraged the community to follow up on the stop light issue and stated that the Planning Commission has no authority to mandate the installation of a light if the WV Department of Transportation says it is not warranted.

IV. MORGAN COUNTY COMMERCIAL AND INDUSTRIAL IMPROVEMENT LOCATION PERMIT ORDINANCE – REQUEST FOR WAIVER

Great Cacapon Volunteer Fire Department  
179 Spring Street, Great Cacapon  
Cacapon District, Tax Map 8A, Parcels 77, 82, 83 – 2.27 acres  
Note: July 5, 2016 fire destroyed the Fire Hall for the Company.

Waiver Request: Officers of the GCVFD are requesting a waiver of the Morgan County Commercial and Industrial Improvement Location Permit Ordinance requirements for the construction of a 3,000 square foot pole building (50'x60') to serve as temporary housing of fire trucks and equipment.

GCVFP President Tucker Steinbaugh informed the members that the fire trucks and equipment must be protected from the cold hence the need to expedite construction of this pole building. Once the building is completed, it will need to be insulated for winter weather.

Staff had received a commercial site plan for the project on August 22, 2016 and was informed that the West Virginia Department of Highways entrance permit process had been started.

On a C. Cowgill/S. Parker motion, the Planning Commission approved the waiver of all the requirements of the Commercial and Industrial Improvement Location Permit Ordinance and approved the issuance of a building permit for the construction of a 50' x 60' pole building with a paved entrance.

Discussion: Planning President Jack Soronen stated that this approval is with the understanding that the requirements will be met in the near future. The information provided to staff at this point conforms to the requirements of the ordinance.

Vote: Motion carried.

The Morgan County Commission submitted a letter of support for the approval of the waiver and Commissioner Robert Ford added that the functioning of the fire company is vital to public safety.

V. COMPREHENSIVE PLAN UPDATE

Comprehensive plan committee members reported that the Dropbox has been setup and the chapters that have gone through the first update have been uploaded.

VI. ADJOURNMENT

The meeting adjourned at 8:30 p.m.

**Morgan County Planning Commission**  
**MEETING SIGN-IN SHEET**

DATE: August 23 2016

NO.	NAME	REPRESENTING	PHONE #	Sheet:      Of: E-MAIL ADDRESS
1	Andy Jurck	Self	—	—
2	Ken Troy	—	—	—
3	Robert Koontz	—	—	—
4	Shellis Redmiles	—	—	—
5	Wanda Goss	—	—	—
6	Shirley Hunter	—	—	—
7	Karl Fink			
8	STUD Marian Garber			
9	Dave Fink			
10	BRIAN DINGES	SHEETZ	814947-4112	btdinges@sheetz.com
11	Bob Franks	Sheetz	814-935-4718	bfranks@sheetz.com
12	Jason Gerhart	Sheetz	304-725-8454	jgerhart@gordon.us.com
13	Rita Dmadiou	Self		
14	Bob Oradian	Self	304-288-3778	
15	Kimi Barker-Miller	Sheetz	304-258-5291	
16	Doris Bonker	"	304-258-5291	
17	Donna + Frank Raineri	self	304-258-1623	
18	Josh Stude	Journal		
19	Viv "	Self		
20	Tom Strubbe		304-278-9462	
21	ROBERT RAYNA	Self	304-258-5381	
22	Doug SEASEL	SELF	304-058-1005	dseasel@yahoo.com
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