

PLANNING COMMISSION
CITY OF MARTINSBURG
232 N. QUEEN STREET
Regular Meeting Minutes
August 7, 2013
J. Oakley Seibert Council Chambers
6:00 p.m.

With a quorum present, President Jim Rodgers called the regular meeting of the Martinsburg Planning Commission to order at 6:03 p.m. The following Commissioners were present: Jim Rodgers, Mark Palmer, Jeff Molenda, Reenie Raines, Yvonne Jenkins, George Reichard, Mary Hayward, Charlene Elins, and ex-officio member Councilman Gregg Wachtel. Also in attendance were Legal Counsel Catherine Wilkes, City Engineer/Planning Director Mike Covell, City Planner Tracy Smith, and Planning Secretary Debra Dietz.

ROLL CALL (and microphone check)

APPROVAL OF July 10, 2013, MEETING MINUTES

Commissioner George Reichard made the motion to approve the minutes, seconded by Commissioner Charlene Elins. Motion approved with a unanimous vote of "aye".

UNFINISHED BUSINESS

None

NEW BUSINESS

1. **CASE #SD 13-042. Old Courthouse Square, Edwin Miller Boulevard. Public Hearing.**
Application requesting subdivision of two improved parcels consisting of approximately 19.65 acres to create a third building lot, associated parking and rights-of-way. SugarOak Old Courthouse, LLC, applicant.

Mike Nestor from Thrasher Engineering, engineer for the recently approved McDonalds site plan, represented the applicant. Mr. Nestor stated that now that the site plan has been approved, the applicant is moving forward with the process of subdivision approval.

President Rodgers opened the public hearing at 6:05 pm. As no one came forward either for or against this request, the public hearing was closed at 6:05 pm.

Planning Director Mike Covell stated that this was a very simple request and meets all the requirements including lot size. Mr. Covell recommended approval.

Commissioner Molenda made the motion to approve the application; Commissioner Reenie Raines seconded the motion. Motion approved with a unanimous vote of "aye".

2. **CASE #SP 13-045. 625 Foxcroft Avenue.** Site Plan application requesting review of an 8,032 square-foot restaurant, associated parking and rights-of-way. Golden Corral Corporation, applicant.

Mike Nestor from Thrasher Engineering, engineer for Golden Corral, represented the applicant. Mr. Nestor stated that the previous overall project completed the subdivision for MVB Bank which was built on the front lot of the parcel plus construction of infrastructure, including the stone base of the parking and storm water management. The back lot of the project has not been sold or developed, until now. The main configuration says the same. The footprint changes slightly and in fact with less impervious area. There is very little change to the site lay out.

President Rodgers noted that he has no personal involvement with this application based on his affiliation with MVB Bank. There is no conflict of interest.

Commissioner Jeff Molenda inquired whether the Commission was approving a potential problem based on the changes to the storm water management as a result of the Chesapeake Bay Preservation Act.

Planning Director Mike Covell stated that the city is in a good situation as the plan provides control of water volume and water quality as well, as when initially reviewed in 2006. When the storm water management was built, it was all built and sized correctly. There are no contingencies on the build out of this site. The capacity is correct and has been verified on site.

Commissioner Jeff Molenda inquired about the parcel layout and the corrective deed. Mr. Covell stated that the corrective deed is still in the works with consideration to the ability of applicant to have a freestanding sign. Adjustments are being made to the plat to give frontage on Foxcroft to accommodate this signage. Mr. Nestor commented that the plat is drafted and going through due diligence and will be completed once the site plan is approved.

Commissioner Mark Palmer noted that the exhibits were not attached to the Addendum to Inspection and Maintenance Agreement for Private Storm Water Management Facilities for this meeting, but that they will be upon recordation.

Mr. Covell discussed how the city wants to make sure that when the property is handed over to the new owner, or contractor, that all the details are understood as these plans will become construction-bidding documents. Mr. Covell added that Thrasher Engineering has addressed all comments from review to the City's satisfaction.

Councilman Gregg Wachtel inquired whether sidewalks were required. Mr. Covell stated that there is a walkway from the northeast portion of the parking lot toward the front of the building, which is adequate.

Commissioner Jeff Molenda made a motion to approve the site plan application contingent upon the inclusion of the corrected documents and plats submitted simultaneously with site plan for signature. Commissioner Yvonne Jenkins seconded followed by a unanimous vote of "aye". Motion passed.

DISCUSSION ITEMS/OTHER BUSINESS:

- Next regular meeting scheduled for September 4, 2013.
- Review of information provided regarding the regulation of temporary and/or portable storage.

Planning Director Mike Covell included portions of Hagerstown and Frederick ordinances in the info packet referencing the use of portable storage containers. Both cities limit the use of temporary storage units to no more than thirty (30) days and not allowed in residential district, with exceptions.


Also included in the board packet was a copy of the 1995 City of Martinsburg Ordinance 95-04 that the Commission and City Council acted on for further action regarding PODS. Mr. Covell added that if the commission wants stricter control and ability to enforce, the changes should be made to the zoning ordinance section where accessory structures and uses are defined and regulated.

Discussion included how restrictive the Commission wants to get; possible revisions including limit of size by certain ratio, fines, tractorless trailers, need for storage, registration process, allowance of temporary storage with active building permit during demolition or construction and screening requirements.

It was agreed that Planning Department would draft the proposed amendments to the ordinances for the Planning Commissions review. Mike Covell stated he would have a draft for review at the September Planning Commission meeting. An email of the draft will be sent to all commissioners prior to the September meeting.

ADJOURNMENT

Commissioner Molenda made the motion to adjourn the meeting at 6:40 pm. Commissioner Hayward seconded the motion that was followed by a unanimous vote of "aye." Motion carried.


Jim Rodgers, President


~~Debra Dietz, Planning Secretary~~, City Planner

