

**PLANNING COMMISSION  
CITY OF MARTINSBURG  
232 N. QUEEN STREET  
Regular Meeting Minutes  
July 11, 2012  
City Council Chambers  
6:00 pm**

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With a quorum present, President Jim Rodgers called the regular meeting of the Martinsburg Planning Commission to order at 6:00 pm. The following Commissioners were present: Jim Rodgers, Reenie Raines, George Reichard, Mary Hayward, Jeff Molenda, Mark Palmer, Charlene Elins and Gregg Wachtel. Not present were Steve Workings and Yvonne Jenkins. Also in attendance were City Engineer/Planner Michael Covell, City Planner Tracy Smith, Legal Counsel Kin Sayre and Planning Secretary Windy Miller.

**ROLL CALL (and microphone check)**

**APPROVAL OF April 04, 2012 MEETING MINUTES**

Commissioner Molenda made the motion to approve the minutes as presented. Commissioner Raines seconded the motion, which was followed by a unanimous consent of "aye." Motion carried.

Commissioner Raines made the motion to recuse President Rodgers from discussion, due to having business relationships with the applicant. Commissioner Molenda seconded the motion, which was followed by a unanimous vote of "aye." Motion carried.

Commissioner Raines made the motion to allow Commissioner Palmer to act as protem. Commissioner Hayward seconded the motion, which was followed by a unanimous vote of "aye." Motion carried.

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

1. **CASE # SP 12-012. Northwest Corner of Rock Cliff Drive and Tavern Road.** Site Plan application requesting review of a 13,600 square-foot, single-story structure and associated parking and right-of-ways. C&F Rentals, LLC, applicant.

Merle Holsinger, representing Civil Planning & Design, prepared the site plan for the project located at the corner of Rock Cliff Drive and Tavern Road. Mr. Holsinger stated that the request is a proposed medical building and is the last undeveloped lot. He stated all staff comments and concerns were addressed, and the Department of Highways had concurred with the Storm Water Management Plan that was submitted to them. Mr. Holsinger went on to explain that at the main Storm Water Management pond, there would be an outlet structure placed on the end of the culvert and would hold the water in the Storm Water Management pond and prohibit it from entering the site and filling the sump up and running onto Rock Cliff Drive. Mr. Holsinger feels that his designs provides the best method possible to assure if any water leaves the proposed site it will not leave the property in a twenty five year storm [event]. Mr. Holsinger stated that he feels all requirements have been met through the Planning Department and Engineering Firm, and went on to say that the design he submitted is the best Storm Water Management Plan for the proposed site and the entire drainage area for the whole PUD.

City Engineer/ Planner Michael Covell stated that the intent of the project is to capture and control onsite water up to the twenty-five year frequency, which is admirable. Mr. Covell went on to say that their intent is not only to show they are relying on previous approvals but they actually want to show diligence and quality design for their site and office building. Mr. Covell noted that the review engineer [Chester] recognized the quality of design the applicant is proposing in their comment letter. Chester Engineers recognizes that this is going to control and reduce the amount of run offs that comes from the site, more than our [the city] regulations require. Mr. Covell stated there are some things that can be worked on at staff level with the developer to incorporate some of the recommendations, such as looking at ways to refine the control of the water. The things that are incomplete things are minor. Mr. Covell went on to say that the all buildings fronting on Tavern Road are served by the function of the same pond, the applicant is looking to put on an increased level of control that will increase the amount of water infiltrated and controlled in the regional pond.

Discussions included but were not limited to how the water would be controlled onsite, who maintains the Storm Water Management Pond and how the Property Maintenance Code holds owners responsible, how the water will run to the pond, how the design plans to capture and contain the water, what happens if there is more than your average twenty-five year storm, how the water will affect the surrounding properties, and the comparison of how the water is controlled at present time compared to if the site plan is approved.

This was not a public hearing but there were property owners present who are concerned with the development. All Commissioners concurred that their concerns need to be heard.

- Jeff Gibson, present with fellow neighbors from the Meadowbrook subdivision, stated he has concerns with the water-run off from previous approvals as well as this request. Mr. Gibson feels the water run-off stops in their road, in their basements, and in their driveways and feels where the water runs has tore them up. Homeowners have to run several sump pumps when there is heavy rain. Mr. Gibson stated that the large amount of water that runs into the neighborhood forms a pond they [residents] refer to as "Lake Meadowbrook." Mr. Gibson said, all he hears is "It has met all of the requirements, but in the event the pond would fail the problem will be dealt with at that time"; Mr. Gibson feels that now is "that time" the problem is currently happening and stated that this request is only going to make the problem worse. Mr. Gibson repeated that there is a serious problem and the neighborhood cannot handle any more water coming through it.

Mr. Covell stated that the Division of Highways is satisfied and the request meets all requirements. He went on to say that the twenty-five year storm is designed to be contained onsite, the proposed site will capture and infiltrate the two and ten year storms, and it will capture the twenty-five year storm. Mr. Covell went on to say that through the modeling and verifying with our consultant, the designing engineer has surpassed the requirements of our [the city] ordinance. The site will release more water predevelopment than it would release post development. For the one hundred year storm, generally the site is engineered to manage the water, to let it go through the site with out tearing it up [overland release path]. The applicant is intentionally taking on additional control.

Mr. Holsinger stated that the owner is to operate and maintain the Storm Water Management Pond and on the plans, has a maintenance schedule stating the facilities need to be examined and cleaned periodically. This particular property is the last undeveloped lot, and was not meant to have any Storm Water Management at all in the original plans, the water was to be let go down stream. Mr. Holsinger feels the plans that were submitted will not only control water from the proposed site but from the entire PUD and limit any impact it would have downstream.

Commissioner Palmer stated that he feels the development is not going to contribute to the problem based on the storm calculations. He went on to say there have been additional steps taken to help the existing situation and they [design engineer] have done a good job engineering in this development.

Commissioner Molenda made the motion in CASE # SP 12-012. Northwest Corner of Rock Cliff Drive and Tavern Road. Site Plan application requesting review of a 13,600 square-foot, single-story structure and associated parking and right-of-ways, to approve the application as presented with the remaining revisions to be handled at staff level. Commissioner Reichard seconded the motion, which was followed by Commissioner Hayward, Elins and Raines vote of "nay," and Commissioners Molenda and Reichard vote of "aye." Motion denied.

Mr. Holsinger stated that he has been in this situation before on the last project he did here in Martinsburg. Mr. Holsinger went on to say that all the regulations have been met and the design is above and beyond what is required.

Legal Counsel Kin Sayre asked if any of the opposing Commissioners would like to reconsider their vote. Mr. Sayre stated that the applicant is correct in that they have met and exceeded all requirements of the City's code.

Commissioner Raines made the motion to reconsider the vote. Commissioner Molenda seconded the motion, which was followed by a unanimous vote of "aye" Motion carried to reconsider the vote.

A roll call vote was taken, with Commissioners Raines, Hayward, Reichard and Molenda vote of "aye," and Commissioner Elins vote of "nay." Motion carried. Site plan is approved as presented with the remaining revisions to be handled at staff level.

2. **CASE # MA 12-059. 312 Adams Street. Public Hearing.** Application requesting a zoning classification of an improved parcel representing approximately 2.58 acres from unzoned to BC (Community Business). Atiya Ahmed, applicant.

Joe Camarda, representing Dr. Ahmed, presented the request to annex the property in the city and have it zoned BC (Community Business).

Legal Counsel Kin Sayre stated that City Council has already passed the annexation however, the County Commission meeting is set for tomorrow July 12, 2012, so anything that is done tonight is contingent upon the County Commission.

The public hearing was opened at 6:56 pm. As no one came forward to speak for or against the request, the public hearing was closed at 6:56 pm.

City Planner/ Engineer Michael Covell stated that this property would have frontage on the new Raleigh Street. The surrounding areas are zoned Industrial, Commercial and Planned Commercial. Mr. Covell went on to say that, the zoning request is in kind with not only the surrounding area but also what the area will have when the Raleigh Street extension is completed.

Commissioner Raines made the motion in CASE # MA 12-059. 312 Adams Street. Application requesting a zoning classification of an improved parcel representing approximately 2.58 acres from unzoned to BC (Community Business), to approve the application as presented contingent upon the County Council annexation & recommend to the City Council to amend the zoning map. Commissioner Molenda seconded the motion, which was followed by a unanimous vote of "aye." Motion carried.

3. **CASE # MA 12-060. 310 Adams Street. Public Hearing.** Application requesting a zoning classification of an improved parcel representing approximately 18,948 square-feet from IG (General Industrial) to BC (Community Business). Atiya Ahmed, applicant.

Joe Camarda, presented the request to rezone the property from existing IG (General Industrial) to BC (Community Business) so that the zoning of both properties would be consistent.

The public hearing was opened at 6:59 pm. As no one came forward to speak for or against the request, the public hearing was closed at 6:59 pm.

City Engineer/ Planner Michael Covell stated staff has no concerns with the request.

Commissioner Palmer made the motion in CASE # MA 12-060. 310 Adams Street. Application requesting a zoning classification of an improved parcel representing approximately 18,948 square-feet from IG (General Industrial) to BC (Community Business), to make recommendation to City Council to amend the zoning map to rezone the property from IG (General Industrial) to BC (Community Business). Commissioner Hayward seconded the motion, which was followed by a unanimous vote of "aye." Motion carried.

4. **CASE # SSP 12-063. Old Courthouse Square.** Application requesting review of Sketch Site Plan for construction of a 4,350 square-foot structure and associated parking. McIlvried, DiDiano & Mox, LLC., applicant.

City Planner Tracy Smith stated the applicant had withdrawn the application and will notify us [planning department] when they are ready to be put back on the agenda.

#### **DISCUSSION ITEMS:**

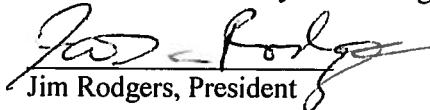
All Commissioners were made aware of the August meeting date and time.

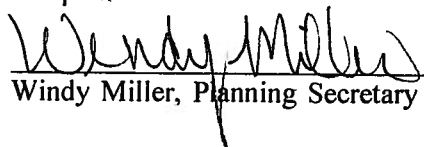
#### **ACTION ITEMS: (approve/deny)**

None

#### **ADJOURNMENT**

Commissioner Raines made the motion to adjourn, seconded by Commissioner Hayward and followed by a unanimous vote of "aye." Meeting adjourned at 7:08 pm.

  
Jim Rodgers, President

  
Windy Miller, Planning Secretary