

PLANNING COMMISSION
CITY OF MARTINSBURG
232 N. QUEEN STREET
Regular Meeting Minutes
May 1, 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 6:02 p.m. The following Commissioners were present: Jim Rodgers, Mark Palmer, Reenie Raines, Yvonne Jenkins, Greg Wachtel, George Reichard and Jeff Molenda. Not present were Mary Hayward and Charlene Elins. Also in attendance were Legal Counsel Kin Sayre, City Recorder Gena Long, Planning Secretary Debra Dietz and City Engineer Mike Covell.

ROLL CALL (and microphone check)

APPROVAL OF February 6, 2013 MEETING MINUTES

Commissioner Molenda made the motion to approve the minutes, seconded by Commissioner Raines. Motion approved with a unanimous vote of "aye".

UNFINISHED BUSINESS

None

NEW BUSINESS

1. **CASE # SP 13-020. 1291-1355 Edwin Miller Boulevard. Old Courthouse Square. Site Plan application requesting review for construction of a 4,350 square foot restaurant and associated parking. McDonald's USA LLC/Gary Kilfeather, applicant.**

Carmen DiDiano from MDM Engineers presented the request for final site plan approval on behalf of McDonalds.

President Rodgers discussed that there was some contradictory information that was in the traffic study that seemed to grade the level of service that was not necessarily accurate.

City Engineer/Planning Director Mike Covell noted the system used was an industry standard called "level of service"; the higher the letter, the better the category. They looked at conditions that would trigger a failure, and current versus proposed traffic standards using criteria used nationwide for traffic evaluation. Impact study as attached, Department of Highways has conditioned approval based on corrections and changes in the plan so they have a copy on file, and put a caveat that they are satisfied with the plan. There is no anticipation of improvements. The standard routine is to apply methodology to get a feel for traffic needs using through movements not only at the intersection close to the restaurant but also Route 11. We took the areas to get a feel for the scope of review and the state is satisfied, seeing no reason for improvements offsite.

Commissioner Raines questioned the comments made by the police officer. Mr. Covell stated that many of the police officer's comments are opinions and unwarranted. Mr. Covell asked for documentation from the police officer and got none.

Commissioner Wachtel mentioned the long range plans calling for 5 lanes on Edwin Miller Boulevard someday.

Mr. Covell replied that the State will look at proposed development and identify a true trigger where those improvements will need to be made; just not required at this time.

President Rodgers questioned the report regarding the taking of the shoulder, which is being used as a deceleration lane, and making it a true turning lane.

Mr. Covell stated that is not a requirement. Further discussion between Commissioner Molenda and Mr. Covell regarding the Department of Highway's method used in the traffic information study including the impact of Shepherd University evening classes beginning August 1 at 261 Aikens Center Drive.

Mr. Covell stated that he recommends a conditional approval that would still be subject to requirements of the DOH should the final traffic impact study document, once resubmitted and reviewed, actually require that something else is needed.

Commissioner Reichard made the motion for conditional approval, as recommended by Mr. Covell, Commissioner Palmer seconded the motion followed by a unanimous vote of "aye". Motion carried.

2. **CASE # MA 13-023. 2500 Hospital Drive WVUH-East. Public Hearing. Map Amendment application requesting a zoning classification of an improved parcel representing approximately 35.94 acres from RUB (Urban Residential Class B) to BC (Community Business) City Hospital Foundation, LLC., applicant.**

Commissioner Rodgers stated that this case shall be heard at 7:00 pm per the public notice.

3. **Case #SP13-028. 500 E. John Street. Waste Water Treatment Plant. Site Plan application requesting review of Waste Water Treatment Plant Upgrade. City of Martinsburg, applicant.**

Steve Knipe, Utilities Director for the City of Martinsburg, and Ryan Perks of Alpha Associates discussed the site plan review and approval for waste water treatment plant upgrade noting that with the new Chesapeake Bay Preservation Act Amendments, upgrades are required.

Mr. Covell stated the upgrades to waste water treatment plant are not significant enough to warrant changes to the storm water facilities on site. The upgrades do not increase the run off more than 5 to 10 percent. Mr. Covell recommended approval.

Commissioner Molenda asked whether they would need to look at Storm Water Management Review. Mike Covell stated that they could make conditional approval on Storm Water Management approval; the issues could be worked out with staff.

Commissioner Palmer made the motion to approve. Commissioner Raines seconded the motion, followed by a unanimous vote of "aye". Motion carried.

Discussion Items:

- **Storm water Ordinance review and revisions update.**

Discussions included, but were not limited to, how the process includes replacing and updating our storm water controls, how it is part of what the Environmental Protection Agency is doing with the States, the entities that are subject to the Chesapeake Bay Preservation Act requirements, and how Region 9 developed a model for the Panhandle communities to consider. Delta Development (consulting firm) and the model ordinance being fitted into Martinsburg's techniques to do site development review. It was noted that this model ordinance will be revised to meet Martinsburg's structure then will be released to engineering firms and others that we are trying to get into a stakeholder's group. Mr. Covell advised that materials are on the Region 9 website with a whole segment dedicated to the Chesapeake Bay Preservation Act which is downloadable. Mr. Covell discussed how the storm water techniques make sites embrace areas close to where water is created, including landscaping and roof run off. Mr. Covell also stated that Best Management Practices (BMP) can be done at your own home, as a lifestyle.

- **Discuss and explain upcoming text amendments to be proposed by the City of Martinsburg.**

City Attorney, Kin Sayre, introduced the discussion on how Housing and Urban Development (HUD) has asked us to review our current ordinance to determine impediments to fair housing. He went on to note that Walt Haglund with Urban Design Consultants has reviewed the ordinance and made some changes including definitions of "disabled", "Family", and "Group Home" to make us more compliant.

Pat McMillan, Community Development Director, added that per the direction of HUD, the City receives block grant funds called "Entitlement Communities" and "Home Partnership Funds" annually for affordable housing. Ms. McMillan noted how the city works to uphold: the Fair Housing Act; the five year plan; the analyses of impediments; environmental controls and; ethical standards. She suggested that we look at Zoning with respect to housing choice restrictions.

Mr. Sayre added that there was a lot of input including from the Fire Marshal to come up with the best solution for the city. This will be on the agenda for the next meeting as a proposed Text Amendment Public Hearing, then City Council will decide to pass the Text Amendment, (similar to a Map Amendment). Mike Covell noted the removal of "Transient Housing" descriptive term at Table 560.

Mike Covell Introduced Debra Dietz as the new Planning Secretary.

2. **Case #MA 13-023 WVUH-East Map Amendment application requesting a zoning classification of an improved parcel representing approximately 35.94 acres from RUB (Urban Residential Class B) to BC (Community Business). City Hospital Foundation, LLC., applicant.**

Scott Mathis represented City Hospital requesting changing the Zoning from Urban Residential to Community Business.

President Rodgers opened the floor for Public Hearing at 7:02 p.m. As no one came forward to speak for or in opposition to this request, the Public Hearing was closed at 7:02 p.m.

Scott Mathis stated the purpose of the request noting the City Hospital was originally zoned Non-Profit Residential. He went on to state that the hospital is upgrading and reinvesting back into business; this is basically a formality.

Kin Sayre discussed how the rezoning would make it a "business commercial zone". The whole area is the campus of the "City Hospital Foundation".

Commissioner Molenda recommended the rezoning applied for, Commissioner Palmer seconded the recommendation that was followed by an unanimous "aye". Recommendation carried.

President Rodgers advised that the next City Council will be held May 9, Thursday, 6:30 p.m.

ADJOURNMENT

President Rodgers made the motion to adjourn the meeting at 7:06 pm. Commissioner Raines seconded the motion that was followed by a unanimous vote of "aye." Motion carried.



Jim Rodgers, President



Debra Dietz, Planning Secretary