

**PLANNING COMMISSION
CITY OF MARTINSBURG
232 N. QUEEN STREET
Regular Meeting Minutes
January 7, 2015
J. Oakley Seibert Council Chambers**

10F

With a quorum present, President Jim Rodgers called the regular meeting of the Martinsburg Planning Commission to order at 6:00p.m. The following Commissioners were present: Matt Coffey (arrived at 6:11), Scott Hamilton, Chris Ross, Jeff Molenda, George Reichard, Mark Palmer, Jim Rodgers and ex-officio Greg Wachtel. Not present were: Yvonne Jenkins and Reenie Raines. Also in attendance were Legal Counsel Catie Delligatti, City Engineer/Planning Director Mike Covell, City Planner Tracy Smith and Planning Secretary Holly Hartman.

ROLL CALL (and microphone check)

APPROVAL OF September 03, 2014 MEETING MINUTES

Commissioner Molenda made the motion to approve the December minutes as submitted. Commissioner Reichard seconded the motion that was followed by a unanimous vote of "aye". Motion carried.

UNFINISHED BUSINESS

None

NEW BUSINESS

1. **CASE # TA15-003. Section 902.5 Publication of Notice. Public Hearing.** Text amendment application request to amend the Martinsburg Zoning Ordinance Section 902.5: "Publication of Notice" to clarify the notice required for making an application to the Board of Zoning Appeals. City of Martinsburg, applicant.

City Engineer/Planning Director, Mike Covell gave a narrative of the amendment. He stated that it was intended to address state code, Chapter 8A, guidance for legal advertisements, in this case specifically for appeal cases and thirty-day advertisement prior to hearing. He further stated that the state code currently requires a minimum of fifteen days. Mr. Covell said that it is staff's recommendation that the change be made to align with the state and allow for a faster response time.

President Rodgers opened the Public Hearing at 6:05 pm.

- Peter Hartman, 111 N. Tennessee Avenue, stated that he was neither for nor against the change, but wanted to ask if the legal ads would still be published and if the sign will still be posted for fifteen days. He said that if those two statements were correct then he was in favor with the change being made. Mr. Hartman asked that the application still be made easily accessible to the public and even possibly still be available at the public library.

Legal Counsel, Catie Delligatti mentioned that the application number will not be changing and that the posting procedures were not being altered either.

Commissioner Palmer asked for clarification on the sign needing to be posted for fifteen days. Mike Covell stated that it specified being posted within seven days of receipt of the application, which coincides with The Journal advertisement.

Councilman Wachtel asked if we still place the information at the library. Mike Covell stated that we could make them available at different locations, but that it is best to come into the office to get the information, as it tends to disappear from the library.

- Barbara Bratina, 116 N. Tennessee Avenue, stated that she does not agree with the change. She feels that the BZA is not overwhelmed so there is no need to accelerate the process. Ms. Bratina feels that this change is not beneficial to residents because there will be insufficient time to study the information, fact find, and discuss with other members of the community. She stated that city zoning should err on the side of residents and not developers.

As no one else came forward to speak for or against this request, President Rodgers closed the Public Hearing at 6:16 pm.

Commissioner Coffey stated that the BZA often deals with simple applications such as homeowners with fences or porches and that the change makes sense for people doing home improvements, but that it is more controversial for businesses, rentals and such. He stated that thirty days is better in the controversial situations because it allows more time for screening and community input.

President Rodgers stated that it is the responsibility of the boards to be responsive to the community.

Councilman Wachtel mentioned that we need more ways to inform the public such as the website or the library.

Ms. Delligatti stated that the discussion about the posting may not be necessary because that isn't what is proposed being changed and that it is only required to be in the paper fifteen days prior to the hearing.

Commissioner Coffey asked when the information was posted on the website. Mike Covell stated that there are no current cases on the website.

Commissioner Coffey asked Ms. Delligatti if we could make an amendment to include posting on the website. Ms. Delligatti recommended that the amendment would have to be re-written and re-posted.

Commissioner Reichard stated that thirty days was preferable and that it was better to err on the side of caution.

Mr. Covell advised that the change to the amendment was to show that we were aligned with state code. He further stated that with the way the text was currently written that the

process started forty or more days prior to the hearing, and gave a brief summary of the application process.

Commissioner Reichard asked if there was a penalty for not aligning with the state. Mr. Covell answered no, that it only brings the language closer to mirror the state.

Commissioner Ross asked for examples of cases that wanted to be expedited. Mr. Covell responded that there were all different types of cases that often included involving other boards as well and that it is generally a small project that turns into much more. He further stated more controversial reviews that involve boards other than the BZA require more time for scheduling. Other times you are dealing with property owners who were not aware of the need for a building permit and are stopped mid-project and end up requiring a review from the BZA as well; and that is how we receive a number of our appeals.

After further discussion of case type, time, deadlines, legal advertisement placement and state language compliance, Commissioner Molenda made the motion to recommend the text amendment to city council and to amend the resolution to include the members of public that came forward to speak. Commissioner Reichard seconded the motion that was followed by a unanimous vote of "aye". Motion carried.

Commissioner Palmer stated his concerns for better methods of communication. Mr. Covell agreed with Commissioner Palmer's statement, as well as President Rodgers, Commissioner Reichard and Commissioner Molenda. The entirety of the board agreed noting their concerns for more publication.

DISCUSSION ITEMS/OTHER BUSINESS:

- Election of Officers

President Rodgers opened the floor for nominations for President at 6:46 p.m. Commissioner Coffey nominated Commissioner Rodgers as president. Commissioner Palmer seconded the motion. With no other nominations, Commissioner Palmer moved to close the floor for nominations. President Rodgers closed the floor for nominations. Motion passed by a unanimous vote of "aye," Commissioner Rodgers was elected as President.

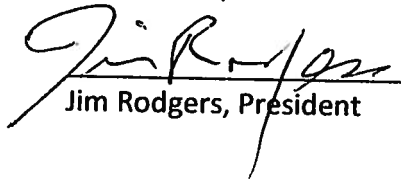
President Rodgers opened the floor for nominations for Vice-President. Commissioner Reichard nominated Commissioner Molenda as Vice-President. Commissioner Hamilton seconded the motion. With no other nominations, Commissioner Rodgers moved to close the floor for nominations. President Rodgers closed the floor for nominations. Motion passed by a unanimous vote of "aye." Commissioner Molenda was elected as Vice-President.

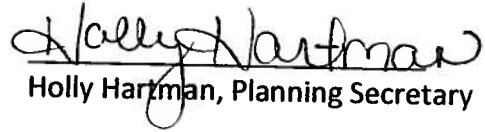
- Next regular meeting scheduled for February 4, 2015 at 6:00 pm

ADJOURNMENT

Motion to adjourn by Commissioner Molenda, seconded by Commissioner Ross, at 6:52 pm and

approved by unanimous consent. Motion carried.


Jim Rodgers, President


Holly Hartman, Planning Secretary