

**PLANNING COMMISSION
CITY OF MARTINSBURG
232 N. QUEEN STREET
Regular Meeting Minutes
October 5, 2016
J. Oakley Seibert Council Chambers**

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

ROLL CALL (and microphone check)

APPROVAL OF September 7, 2016 MEETING MINUTES

Commissioner Molenda made the motion to approve the September minutes as presented. Commissioner Raines seconded the motion followed by a unanimous vote of “aye”. Motion carried.

UNFINISHED BUSINESS: None

NEW BUSINESS:

1. **CASE # SD 16-067. Southwest intersection of Third Street and Pennsylvania Avenue.**
Public Hearing. Application requesting the subdivision of an unimproved parcel consisting of approximately 0.8969 acres to create seven parcels sized approximately: 7,723 square-foot; 5,372 square-foot; 5,304 square-foot; 5,237 square-foot; 5,170 square-foot; 5,103 square-foot and; 5,164 square-foot. AvanHar Properties, LLC.

Richard Klein of Alpha Associates presented this request on behalf of the owner Mr. Avan Harris, who was also in attendance. Mr. Klein provided a brief overview of the project explaining that they would like to subdivide the unimproved property into seven lots, all meeting the minimum criteria of 5,000 square-foot. There will be seven individually built homes that all look different but match the style of the neighborhood. Mr. Klein stated that there are no new roads to be built and a sewer line will be extended behind the property.

President Rodgers opened the Public Hearing at 6:03 pm. As no one came forward to speak for or against this project, President Rodgers closed the Public Hearing at 6:04 pm.

Legal Counsel Chris Peterson asked if all of the homes would be accessed from Third Street. Mr. Klein answered that the corner house will have a garage on the side of Pennsylvania Avenue. Mr. Peterson then asked if there were any deeds of trust or liens on the property. Mr. Klein replied no.

Commissioner Raines inquired about the driveways and sidewalks. Mr. Klein stated that each house will have a garage and separate driveway that will be cut into the sidewalk and the

sidewalk repaired on Pennsylvania Avenue. There is currently no sidewalk on Third Street, so one will be added and the driveways cut into it as well.

Commissioner Palmer asked if the grading would remain the same. Mr. Klein stated that they would discuss this during the Site Plan application.

President Rodgers asked if there would be a Homeowner's Association. Mr. Klein answered no. Adding that each lot will have a bio-retention rain garden maintained by the owner. No HOA is necessary as there is no shared infrastructure.

City Engineer/Planning Director Michael Covell added that the subdivision meets lot requirements, poised to be compatible with the neighborhood and compliant with the Zoning Ordinance. Mr. Covell recommended that the subdivision be approved.

Commissioner Molenda made the motion to approve the request as submitted. Commissioner Coffey seconded the motion followed by a unanimous vote of "aye". Motion carried.

2. CASE # SP 16-068. Southwest intersection of Third Street and Pennsylvania Avenue. Site Plan application requesting review of seven residential lots with associated easements and infrastructure. AvanHar Properties, LLC.

Mr. Covell stated that staffs' concerns were addressed. The comments were small details that were corrected on the revised plan and staff recommends a conditional approval.

Commissioner Raines expressed concerns with the existing storm drain and if it can handle the increase in stormwater runoff. Mr. Covell explained that the area is a large ravine with underground piping that runs almost parallel with the back lot line of the proposed homes. This was a concern; which is why each individual lot has a rain garden to ensure there is no noticeable increase in runoff into the storm drain.

Commissioner Molenda inquired as to the amount of usable land each lot will have and about the grading and fill. Mr. Klein responded that there was a recent change in plans. Originally, they were going to develop one lot at a time, but this complicated the land disturbance permit, so Mr. Harris decided to do an overall grading plan for all seven lots and they will be developed at the same time. Commissioner Coffey noted that the plans show approximately a twenty-foot functional back yard. Mr. Klein further explained that the proposed homes on the plans show the allowable box where a house could be using the setbacks, but in reality the homes Mr. Harris picked out are closer to forty-feet in depth compared to the sixty-foot homes shown on the plans. Therefore, the backyards will be closer to forty-feet instead of twenty-feet.

Mr. Covell stated that the contingencies for the Site Plan approval should include final approval on the Stormwater Maintenance Agreement and the land disturbance permit. The Stormwater Maintenance Agreement is recorded at the courthouse and the land disturbance permit cannot be issued without a copy of the Stormwater Maintenance Agreement. Mr. Peterson added that it is preferable to have the agreement recorded for each individual lot. Mr. Covell included that the MS4 requirements state an inspection must be completed yearly.

Commissioner Raines asked the approximate size of the homes. Mr. Klein responded that each house would be two stories and approximately 1,500 square-feet.

Commissioner Palmer made the motion to approve the request with the following stipulations: Approval of the Stormwater Management Design, recording of the Maintenance Agreement and a recommendation that the Maintenance Agreement be recorded with each individual deed. Commissioner Hamilton seconded the motion followed by a unanimous vote of “aye”. Motion carried.

3. **CASE # SP 16-072. 800 Foxcroft Avenue (Foxcroft Town Center).** Site Plan application request amending a portion of the concept plan to allow approximately 40,000 square-feet of structure to be demolished and redeveloped as a parking area and drive aisles. Paramount Development Corporation, applicant.

Eric Cornett and Barry Rogers, both of Paramount Development Corporation, presented this request. Mr. Cornett provided a brief overview of the project explaining that they would like to demolish approximately 40,000 square-feet of the existing building and replacing it with a parking area.

Mr. Covell provided background information stating that this property is zoned Planned Business (BP) and part of the development sequence is having a concept plan to develop into. The only part of the plan being amended is where the existing footprint is proposed to be removed.

Mr. Cornett stated that the mall would be closing on November 1, 2016. The proposal will create stores with outside entrance spaces.

Commissioner Molenda expressed concern with the location of the parking spaces and lack of pedestrian safety. He feels this change will not improve the space. Commissioner Molenda added that improvements could be made by including bike trails, walkable space, and building mixed use development. Mr. Cornett explained that there were many designs reviewed, but at the end of the day, the wants of national retailers interested in the space comes first. It will be as pedestrian friendly as possible with streetlights and the convenience of parking closer to the storefront.

Mr. Rogers explained that retailer’s wants must be met in order to attract new business and there will be new pathways and landscaping. Commissioner Molenda compared this project to areas in Rockville and Reston with smaller areas developed and explained that those areas make our plans look outdated. Mr. Rogers stated there were over thirty site plans sent to retailers and the response determined this is the best plan.

Commissioner Molenda asked if Walmart would consent to being accessed from inside the mall again. Mr. Cornett stated Walmart could not be accessed from the inside of the mall due to the location of the coolers and freezers.

Commissioner Raines stated from her experience in the hotel industry that people like their cars as close as possible to the entrances and doorways. Mr. Cornett included that additional sidewalks will be added to provide pedestrian friendly access the other stores except for Panera Bread, but they have a drive-thru.

Commissioner Molenda made the motion to approve the request as submitted. Commissioner Reichard seconded the motion followed by a unanimous vote of “aye”. Motion carried.

DISCUSSION/ACTION ITEMS:

1. Comprehensive Plan. Status update by Planning Director.

Mr. Covell stated that interviews were completed and a top ranked consultant chosen and they currently are in the negotiations phase. The next step is for the City Council to authorize contracting with the Berkley Group, this contract becomes the guiding document in the contract to allow work to start and assist with the update. Mr. Covell explained the timeline included in the packet but stated it is flexible as public and commission input is needed and the project is tailored to the city’s vision.

Commissioner Molenda expressed a want for more public outreach sessions and described the input from the public during work on the Garner Report. Mr. Covell answered that all statutes will be met and there is plenty of flexibility to amend and expand the schedule and public input sessions. He advised that the first step is a dedicated session with just the Planning Commission. Commissioner Molenda stated concern with setting a cost now and not having funding later to add sessions. Commissioner Molenda added that the advertising of the sessions is just as important as the number of sessions. A diverse group of citizens in attendance is ideal but no one will know about them if not advertised properly.

Mr. Covell explained that knowing how to best serve Martinsburg without boxing us in is the consultants comfort point. The project is recommended to move forward. Further adding that the cost is comfortably within budget, where workshops and public outreach sessions can be added later. It was the consensus of the commission to proceed with the project as discussed.

2. Brownfields Redevelopment Project.

Mr. Covell advised the Commissioners of the workshop dates for the Brownfields Redevelopment Project. Explaining the focus of the project is on the downtown area, looking at industrial brownfields sites and planning future projects for these areas. Information will be given on what the City can do to look at infrastructure projects and to collaborate with properties for cleanup grants and such. Mr. Covell explained how the process would proceed. The area that won the grant is titled “mills and rail corridors”.

Commissioner Palmer asked if the previous discussion regarding the follow up of donation drop boxes would be added onto the agenda. Mr. Covell explained that the Planning Department is addressing these boxes on a complaint only basis due to staff workload.

OTHER BUSINESS: None

ADJOURNMENT:

The meeting was adjourned by unanimous consent at 7:08 p.m.

Jim Rodgers, President

Holly Hartman, Planning Secretary