

**PLANNING COMMISSION
CITY OF MARTINSBURG
232 N. QUEEN STREET
Regular Meeting Minutes
July 1, 2015
J. Oakley Seibert Council Chambers**

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

ROLL CALL (and microphone check)

APPROVAL OF June 3, 2015 MEETING MINUTES

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

UNFINISHED BUSINESS

None

NEW BUSINESS:

None

DISCUSSION/ACTION ITEMS:

- Home Occupation Request: 105 Ramer Court, Donald and Debra Poland

Donald Poland explained that he wants to run a sign business from his home. City Engineer/ Planning Director Michael Covell stated that a sign fabrication shop did not specifically fit into any of the existing approved home occupations and previous Counsel had advised staff not to stretch the definitions too much. He noted that the Poland's feel their sign business fits into the fine arts studio category, but the Planning Department was not comfortable with approving the home occupation without going before the Commission.

Commissioner Ross asked specifically what work would be performed. Mr. Poland stated that it is a small-scale business, making banners, magnetic signs, and vinyl window/vehicle lettering. This will make up approximately ninety percent of his business. Mr. Poland stated that the majority of his work is designing graphics and layouts on the computer in his house and cutting the vinyl out; the most complicated work would be a sign made of plywood

where he might have to use a skill saw for no more than two or three hours a week outside. Commissioner Ross asked if there would be paint fumes. Mr. Poland answered no and further stated that he does not want customers at his home for safety reasons. President Rodgers asked if he has spoken with any of his neighbors in regards to his request. Mr. Poland responded that he has and they all agree that a sign shop would not cause any disruption with the current state of his neighborhood.

Commissioner Raines stated that her only concern is what type of precedent would be set but that the cases should be taken on a case-by-case basis. Commission Palmer asked what options were available if there was an issue after an approval. Mr. Covell replied that once approved it is done. Commission Ross stated that it technically falls under a fine arts studio since it is mainly the graphic design and not mass production. President Rodgers asked if graphic design falls under fine arts. Commissioner Molenda stated that in college graphic design is a degree under fine arts. He also mentioned that the proposed home occupation would not change the nature of the neighborhood.

Commissioner Molenda made the motion to approve the home occupation request as described. Commissioner Ross seconded the motion that was followed by a unanimous vote of "aye". Motion carried.

- Continuation of review for guiding criteria to regulate shipping containers used for storage and Article VI "Design Regulations"

President Rodgers mentioned the word "a" left out of section 601.32, paragraph G on page three and the word "if" in that same section; Also punctuation on page four under section 604.22. Commissioner Palmer further mentioned a grammatical error under section 602.24. Commissioner Molenda noted that two sections are labeled 602.24.

Commissioner Molenda stated that if donation boxes are going to be regulated they should be identified by organization and labeled with contact information so that the responsibility is put on the owner of the donation box to keep it clean and under compliance. He also mentioned that it should be considered a violation if it does not comply. Commissioner Molenda stated that he looked around the area and did not notice any more than possibly two boxes that might be an issue. Commissioner Palmer stated that there was one on the corner of Martin Street that is made out of plywood that is an eyesore. President Rodgers asked if Commissioner Molenda feels the wording should be more robust and definitive. Commissioner Molenda agreed. He then asked Legal Counsel if current enforcement says what could happen if there is a violation on one of these boxes. Legal Counsel, Kin Sayre replied that both the property owner and box owner be held responsible. He suggested that both property owner and box owner contact information be available in the Planning Department when the box is placed, but noted that this may not work because over time the contact information could be inaccurate. Commissioner Molenda stated that the final responsibility be left up to the property owner.

Commissioner Raines asked who is able to enforce this action. Mr. Covell answered that any Planning Department staff can enforce the rules. Commissioner Wachtel asked if only non-profit organizations could be allowed to place boxes. Mr. Sayre mentioned that most of the boxes placed are not non-profit, and would not qualify.

Commissioner Palmer asked if this idea is approved, what is the most efficient way to handle. Mr. Covell stated that the property owner could be issued a citation for rubbish if the area is not kept clean, and after a few citations, it would most likely deter more boxes from being placed. Commissioner Molenda stated that it needs to be clear in the ordinance who can be cited. Mr. Covell stated that the suggestions will be noted and the specifics will be clarified in the next draft, also that nothing will be grandfathered. All current boxes will have to meet new code.


Commissioner Raines pointed out that in Winchester's ordinance only allowed the boxes on a place of worship or charitable property. Mr. Covell replied that he tried to find a happy medium to settle on. Commissioner Molenda stated that the allowance should be based on the property size, not just the use of the property.

OTHER BUSINESS:

- Next regular meeting scheduled for August 3, 2015 at 6:00 p.m.

ADJOURNMENT

Motion to adjourn by Commissioner Molenda, seconded by Commissioner Raines, at 6:34 p.m. and approved by unanimous consent. Motion carried.



Jim Rodgers, President

Holly Hartman, Planning Secretary