

**PLANNING COMMISSION**  
**CITY OF MARTINSBURG**  
**232 N. QUEEN STREET**  
**Regular Meeting Minutes**  
**March 07, 2012**  
**City Council Chambers**  
**7:00 pm**

With a quorum present, President Jim Rodgers called the regular meeting of the Martinsburg Planning Commission to order at 7:00 pm. The following Commissioners were present: Jim Rodgers, Reenie Raines, George Reichard, Mary Hayward, Yvonne Jenkins, Charlene Elins, Mark Palmer and Jeff Molenda. Not present were Steve Workings and Gregg Wachtel. Also in attendance were Legal Counsel Kin Sayre, City Engineer/Planner Mike Covell, and Planning Secretary Windy Miller.

**ROLL CALL (and microphone check)**

**APPROVAL OF December 07, 2011 MEETING MINUTES**

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

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

**1. CASE # SD 12-016. The Gallery Subdivision along Klee Drive between O'Flannery Court and State Route WV-45. Public Hearing.** Application to subdivide an unimproved parcel consisting of approximately seventy-five (75) acres to create two (2) Parcels comprised as follows: Parcel "A" approximately 39.06 acres; Parcel "B" approximately 36.57 acres. Dan Ryan Builders, Inc., applicant.

Tim Shaw, Orchard Development Company, presented the request. Mr. Shaw explains that he had an agreement with Dan Ryan to buy lots that were finished and unfinished, he went on to say that, there was not an individual plat of the land that Dan Ryan would acquire so a plat was created to go through the subdivision process. Mr. Shaw stated that Dan Ryan would be transferring back to him what land they had never intended on acquiring.

The public hearing was opened at 7:01. As no one came forward to speak for or against the request, the public hearing was closed at 7:02.

City Planner/ Engineer stated that this does not create any additional building lots, that Orchard Development Company is just trying to get back what has always been commercial acreage along WV Route 45. Dan Ryan, not being a commercial developer wanted the residential lots, and this is just a way to get the commercial lot back to Mr. Shaw.

Commissioner Raines made the motion in CASE # SD 12-016, to approve the application as presented. Commissioner Hayward seconded the motion, which was followed by a unanimous vote of "aye." Motion carried.

**2. CASE # SP 12-0017. 891 Foxcroft Avenue.** Application requesting Site Plan review to construct an Olive Garden restaurant and associated parking areas at the Martinsburg Mall. GMRI, Inc./Darden Restaurants Inc., applicant.

Brett Mazcheck, representing the corporate office of the Olive Garden presented the request to bring the restaurant to the City of Martinsburg. Mr. Mazcheck stated that the front door would be facing toward the mall direction, they would need to install some retaining walls, the existing mall sign and high rise electric poles would

be relocated, and there will be quite a bit of site work involved but will look very nice once it's complete. Mr. Mazcheck went on to say that a majority of the parking is on-site, with ninety-five (95) spaces, but there will be a cross parking agreement with the Martinsburg Mall to allow for employees and over-flow parking.

Commissioner Molenda stated that he has concerns with the traffic situation that already exists on Foxcroft Avenue. Mr. Molenda went on to say that the area is very congested.

Mr. Mazcheck states that with proper signage in place it would increase the safety of the customers.

Commissioner Rogers states that he feels with increased activity in the area it will slow people down, they will not be able to go as fast because there will be more traffic.

Commissioner Hayward referenced the Hagerstown location to being similar to the proposed site plan and parking situation, and states she does not feel it will be a problem at all.

Mr. Covell stated that with proper traffic calming techniques and with the already in place restricted turn movement on the site plan, the local traffic will become trained in the new traffic flow.

Discussions included but were not limited to where the over flow parking would be located, who owns the lot in which the Olive Garden would be constructed, cross parking agreement, if cross walks would be installed, who maintains the roadway because it is privately owned, seating capacity for the restaurant, and traffic calming techniques.

Commissioner Hayward made the motion in CASE # SP 12-017. 891 Foxcroft Avenue. Application requesting Site Plan review to construct an Olive Garden restaurant and associated parking areas at the Martinsburg Mall, to approve the application with the appropriate traffic calming techniques as determined by the Olive Garden consultants and verified by the City Engineer and the Storm Water management review be completed. Commissioner Elins seconded the motion, which was followed by a unanimous vote of "aye." Motion carried.

#### **OTHER BUSINESS**

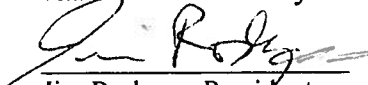
None

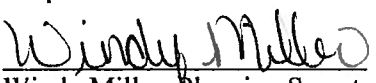
#### **DISCUSSION/ACTION (approve/deny)**

Legal Counsel Kin Sayre stated that there would be discussion on the Open Meetings Law during the scheduled April meeting.

#### **ADJOURNMENT**

Commissioner Raines made the motion to adjourn, seconded by Commissioner Hayward and followed by a unanimous vote of "aye." Meeting adjourned at 7:37pm.

  
Jim Rodgers, President

  
Windy Miller, Planning Secretary