

**PLANNING COMMISSION
CITY OF MARTINSBURG
232 N. QUEEN STREET
Regular Meeting Minutes
March 4, 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: Chris Ross, George Reichard, Mark Palmer, Jim Rodgers and Matt Coffey. Not present were: Jeffrey Molenda, Reenie Raines, Yvonne Jenkins, Scott Hamilton and Greg Wachtel. Also in attendance were Legal Counsel Kin Sayre, City Engineer/Planning Director Mike Covell, City Planner Tracy Smith and Planning Secretary Holly Hartman.

ROLL CALL (and microphone check)

APPROVAL OF February 4, 2015 MEETING MINUTES

Commissioner Coffey made the motion to approve the February minutes as submitted. Commissioner Reichard seconded the motion that was followed by a unanimous vote of “aye”. Motion carried.

UNFINISHED BUSINESS

None

NEW BUSINESS

None

DISCUSSION ITEMS:

- Continuation of review for guiding criteria to regulate shipping containers used for storage

President Rodgers noted that in section 601.21, under the storage shipping bins, it states that storage bins are subject to length to width ratio. He thinks it should say that storage bins are restricted to a length to width ratio of no more than a certain amount. City Engineer/Planning Director Mike Covell stated that a traditional accessory structure such as a storage shed is customarily rectangle, averaging twice as deep as it is wide; in this case, a 2:1 ratio would work. President Rodgers stated that we should use a number as a guideline and amend it at a later point if we run into issues. He went on to say that in section 601.2 we define an accessory structure but we do not consistently use the terminology throughout the regulation; it is being referred to as an accessory structure or building. President Rodgers’ biggest concern is that a shipping bin is not included with the accessory structure. Commissioner Coffey asked if the shipping bins were considered temporary in nature, he thinks it needs to be clear in the wording that this is a temporary structure.

President Rodgers questioned section 602.24 that says that a storage container is permitted only one time per calendar year. He feels this should be two times per year because it's very possible that one moving tenant could use a container to move out and the new tenant moving in could be using one as well, which would be prohibited as this would be the second container in less than a year. Commissioner Coffey suggested specifying one container per owner or occupant to allow for moving and such. Mr. Covell stated this might be inviting too much turnover in an area. Legal Counsel Kin Sayre agreed with Mr. Covell, some areas have a very high turnover rate. Mr. Covell read from a document used for additional language provided by City Planner Tracy Smith which could be an add on for 602.24: "in the event a property is sold or leased to a new owner or tenant during any calendar year, each owner or tenant shall be permitted to utilize a shipping container for a 30 day period." President Rodgers stated that he is agreeable with the wording in this add-on. Commissioner Coffey suggested putting in a consecutive day clause indicating that the container has to be removed.

President Rodgers called Ordinance 95.29 to attention where it states "accessory structures of fifty square feet or less shall be erected on a permanent foundation." President Rodgers asked about structures fifty square feet or more not being on a permanent foundation. Mr. Covell explained that this could be removed or changed, as the scenario does not work. He further stated that now is the time to clear up any discrepancies in the ordinance. Mr. Sayre stated that the ordinance could be repealed. Mr. Covell suggested that all of sections 601 and 602 could be modified and reviewed together through the Text Amendment process. President Rodgers pointed out that sections 601 and 602 practically say the same thing. He also pointed out that it is not clear on what is a temporary or permanent structure throughout the regulations. Mr. Covell stated that in 601.21 it is labeled as an accessory structure, which should be used throughout because all out buildings will be held to this same requirement.

Commissioner Coffey mentioned Section 601.21 regarding uses in residential districts; specifically uses for servants and guests and asked for clarification. Mr. Covell explained that this was similar to a homeowner renting out their two-floor garage, or a mother-in-law suite. President Rodgers stated that this paragraph contradicts the accessory uses permitted because it says accessory structures are not permitted for residential use but 601.31 says residential use is permitted. Mr. Covell stated that it is this way because guests and bona fide servants are not living independently of the main structure.

Mr. Covell pointed out that he added a note to Section 601.22 regarding the uniqueness of townhomes and that now might be the time to add language that might show where you can have a zero-foot setback instead of a five-foot setback with the small yard sizes. With the zero foot setback they would have more room for a small storage shed instead of having to put it in the middle of their yard. Commissioner Coffey asked if the examples given differentiate between a fenced and non-fenced yard. Mr. Covell said he would look into this and check in other areas that have been tested. Commissioner Coffey suggested having a smaller buffer zone of a few inches so there are no property line issues, for example maybe twelve inches.

Commissioner Palmer mentioned the shipping containers that do meet the lot size regulations to become an accessory building, in that if they are an accessory building, how do we make sure that it is aesthetically acceptable. Mr. Covell responded that it would be under the property

maintenance code, writing code violations when necessary for dilapidated containers. The only applicable section is the guidance in 601.21. Commissioner Coffey asked if the requirements would be different within the historic district, and if so, asked if additional language would be needed for this. Mr. Covell answered no. Ms. Smith stated that she would work on the aesthetic specifics.

OTHER BUSINESS:

- Next regular meeting scheduled for April 1, 2015 at 6:00 p.m.

ADJOURNMENT

Motion to adjourn by Commissioner Reichard, seconded by Commissioner Coffey, at 6:54 p.m. and approved by unanimous consent. Motion carried.

Jim Rodgers, President

Holly Hartman, Planning Secretary