

**PLANNING COMMISSION
CITY OF MARTINSBURG
232 N. QUEEN STREET
Regular Meeting Minutes
May 4, 2016
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: Jim Rodgers, Mark Palmer, George Reichard, Yvonne Jenkins, Jeffrey Molenda, Reenie Raines, Chris Ross and Greg Wachtel. The following Commissioners were not present: Matt Coffey and Scott Hamilton. Also in attendance were Legal Counsel Catie Delligatti, City Engineer/Planning Director Michael Covell, City Planner Tracy Smith and Planning Secretary Holly Hartman.

ROLL CALL (and microphone check)

APPROVAL OF April 6, 2016 MEETING MINUTES

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

UNFINISHED BUSINESS: None

NEW BUSINESS:

*Due to a car accident, the order of the agenda was altered to accommodate applicant’s arrival.

2. **CASE #TA16-030. Martinsburg Zoning Ordinance (MZO) Article IV, Section 440 Signs. Public Hearing.** Application for Text Amendment to modify MZO section 440 Signs to allow projecting signs in the BD (Downtown Business) District. Martinsburg Planning Department, applicant.

President Rodgers opened the Public Hearing at 6:02 pm.

- Barbara Bratina, 116 N. Tennessee Avenue, came forward to ask questions. Ms. Bratina asked if the signs could be lighted. City Engineer/Planning Director, Michael Covell, responded that there were no lighting details so there could be no interior source of light. Ms. Bratina then asked a series of questions regarding neon signs, thickness, composition, color, shape and design. Mr. Covell answered that those details would be reviewed by the HPRC. Ms. Bratina asked for the allowable grounds to deny an application for a hanging sign. Legal Counsel, Catie Delligatti replied that a sign request could not be denied based on content but can be denied based on materials. Ms. Bratina stated that she is not for or against the request, but she would like to see more controls rather than leaving the decision up to one board of people. Ms. Delligatti advised that the standards are the same as installing a regular sign. Ms. Bratina

expressed her concerns with lack of control over what style sign can be installed. Mr. Covell explained that Mainstreet Martinsburg and the HPRC has had several months to review the proposed document and have not expressed any concerns for additional controls. Ms. Delligatti also explained that in Article 10 of the Martinsburg Zoning Ordinance guidelines are provided as to what the HPRC considers and approved sign. Commissioner Molenda stated that the hanging sign would have the same requirements as a flat business sign.

As no one else came forward to speak for or against this project, President Rodgers closed the Public Hearing at 6:12 pm.

Commissioner Palmer asked if flashing or lighted signs would be considered in the review process, as they are less desired. Mr. Covell replied that both are viable but would be reviewed by the HPRC.

Commissioner Molenda made the motion to recommend the text amendment for approval by the Martinsburg City Council. Commissioner Ross seconded the motion followed by a unanimous vote of “aye”. Motion carried.

DISCUSSION/ACTION ITEMS:

- a. **Comprehensive Plan.** Status update by Planning Director.

Mr. Covell stated that we would soon have the ability to advertise for consultants. He has updated the drafted legal advertisement that is being reviewed by the City Manager and himself. The draft will give a consultant enough information that they can submit what makes them a qualified firm and will allow a committee to narrow down a list of potential consultants. Mr. Covell mentioned that it might be a good idea to see which Commissioners would be interested in serving on the committee. This committee would have meetings, review materials, assist in selecting a consultant, express concerns and ideas and so on. Mr. Covell stated that volunteers for this committee are acceptable; members are not appointed. Commissioners Molenda, Palmer and Reichard expressed interest in working with this committee.

NEW BUSINESS:

1. **CASE #SP16-017. Northwest side of Apple Harvest Drive (WV 45), 0.6 miles west of the intersection with I-81 and approximately 0.1 miles east of Klee Drive. Public Hearing.** Site Plan application requesting review of a 34,233 square-foot, two-story building to be used as an Assisted Living Facility, associated parking and rights-of-way. Pennoni Associates, Inc., applicant.

Ron Mislowski of Pennoni Associates, and Aubrey Holmes of Smith-Packett, presented this request. Mr. Mislowski explained the Site Plan for the assisted living facility including parking areas, the size and location of the building, water and sewer pump station, undisturbed rock area near Apple Harvest Drive, and the two main stormwater management features located on the East side of the property called bio-remediation filters sized for extended retention.

Commissioner Molenda asked what was adjacent to the stormwater management areas. Mr. Mislowski replied that it was only vacant land.

Commissioner Ross asked if a traffic study was completed for the entrance onto Apple Harvest Drive. Mr. Mislowski answered that they have been working with the Department of Highways on the entrance but that a full traffic study was not required.

Commissioner Ross then asked if the proposed use listed as an assisted living facility or nursing home would require additional handicap parking spaces. Mr. Mislowski advised that the majority of the patients do not leave the facility. Aubrey Holmes added that the facility will have a private van service for transportation and that family members often transport patients as well. Commissioner Palmer asked if there was adequate parking to accommodate patients that may still drive. Ms. Holmes answered yes.

Commissioner Molenda asked how many employees are on site. Ms. Holmes replied sixty employees working three different shifts depending on their job responsibilities.

Mr. Covell included that any approval be contingent on final stormwater management approval, finalization of the entrance permit from the Division of Highways and an approved permit from NPDES. He further stated that they are in the process of procuring water service from the City and sewer service from the County. Commissioner Palmer asked if the stormwater pond required fencing. Mr. Covell answered that a fence was not required but there would be landscaping.

Commissioner Molenda made the motion to approve the Site Plan application requesting review of a 34,233 square-foot, two-story building to be used as an Assisted Living Facility, associated parking and rights-of-way contingent upon final approval of stormwater management, Division of Highways and NPDES permit. Commissioner Reichard seconded the motion followed by a unanimous vote of "aye". Motion carried.

DISCUSSION/ACTION ITEMS:

b. Discussion regarding recently adopted ordinance establishing a definition for *Public Building*.

Commissioner Palmer stated that the request was presented simply as a request for the definition of a Public Building, and never mentioned the county's rehab facility, but after the approval of the definition by the City Council, it was said that the purpose of the definition was to prevent the rehab facility. Mr. Palmer feels that the newspaper articles were either untrue and need corrected or that the Commissioners were misled.

Commissioner Molenda agreed with Commissioner Palmer and added that the language approved by City Council is not the language approved by the Planning Commission. Specifically noting that the definition should have included “a building generally suitable for use as an office or storage space or both; and **owned or occupied by** one or more federal, state, county or municipal agency.” Commissioner Molenda feels that the ordinance is not valid as the language approved by the Planning Commission is not what is on the approved and signed ordinance.

Mr. Covell stated that the Commissioners have valid points, but added that this definition has not been applied to any submittal as mentioned because there has been no such submittal turned into the Planning Department. The definition has not been applied to any project.

City Planner, Tracy Smith stated that there could have been a mix-up with the paperwork and the wrong copy of the ordinance was signed. Ms. Delligatti stated she would like to look into the situation and verify which copy of the ordinance was in council packets versus which copy was signed as approved.

Commissioner Palmer mentioned that the appearance in The Journal was misleading and should have been corrected as well. Mr. Covell stated that a correction may be needed between the Commission’s recommendation and the approval of the ordinance, but to beware of hearsay. Ms. Smith stated that staff will find the underlying cause of the issue and we will discuss it again at the June meeting.

OTHER BUSINESS: None

ADJOURNMENT

The meeting was adjourned by unanimous consent at 6:54 p.m.

Jim Rodgers, President

Holly Hartman, Planning Secretary