

**PLANNING COMMISSION
CITY OF MARTINSBURG
232 N. QUEEN STREET
Regular Meeting Minutes
September 7, 2016
J. Oakley Seibert Council Chambers**

With a quorum present, President Rodgers called the regular meeting of the Martinsburg Planning Commission to order at 6:04 p.m. The following Commissioners were present: Jim Rodgers, Mark Palmer, George Reichard, Reenie Raines, Yvonne Jenkins, Jeff Molenda, Scott Hamilton and ex-officio member Councilman Greg Wachtel. The following Commissioners were not present: Matt Coffey and Chris Ross. Also in attendance were Legal Counsel Kin Sayre, City Engineer/Planning Director Michael Covell, City Planner Tracy Smith and Planning Secretary Holly Hartman.

ROLL CALL (and microphone check)

APPROVAL OF June 1, 2016 MEETING MINUTES

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

UNFINISHED BUSINESS: None

NEW BUSINESS:

1. **CASE MA16-065. 1858 Delmar Orchard Road. Public Hearing.** Application requesting a change of zoning for approximately 32.91 acres of an improved parcel containing approximately 62.90 acres from BC (Community Business) to RML (Multiple-Family, Low-Density District). Boyd Orchard, LLC., Trustee under Boyd Orchard Trust.

Mark Dyck of Gordon presented this request on behalf of the owner. Mr. Dyck provided a brief overview of the project explaining that they would like to rezone thirty-three acres from commercial to low-density multi-family. Mr. Dyck stated that they reviewed road networks, stormwater management, topography, utilities and the adjacent properties. They feel the property is well suited for residential development. Referring to applicant’s Exhibit D, Mr. Dyck stated that the commercial road has been proposed to be relocated along the base of the slope of the property with the intention to run it north through the property and connect in the residential portion of the property. He mentioned that this location is different from what was proposed by Weis but that they are in communication with Weis in regards to this. Mr. Dyck stated that this is the beginning of new residential growth within the City of Martinsburg, which will lead to more commercial growth as well. Further adding that water and sewer are directly available to the property as well as access to the gas line running along Interstate-81.

Commissioner Raines asked how many homes were planned. Mr. Dyck replied that about thirty-three acres is what they are looking at rezoning and if all of that went to single-family homes, it would average about four homes per acre or about one-hundred and twenty houses. Mr. Dyck stated that they would like a variety in home styles to meet all types of needs.

President Rodgers opened the Public Hearing at 6:09 pm.

- Ursula McDonald, 116 O'Keefe Drive, spoke out of concern for the traffic increase in the area and specifically on Delmar Orchard Road and asked what was considered low-density housing by City standards.

City Engineer/Planning Director, Michael Covell, stated that low-density was not a term used in the zoning ordinance. This description usually goes towards residential development with single-family and duplex style homes which tends to be the lowest density developed, measured by homes per acre. Mr. Covell added that ten units per acre are allowable in the proposed district.

President Rodgers stated that traffic studies have been done on Delmar Orchard Road and Klee Drive out to Route 45, and have been fairly definitive that these roads can handle the increase in traffic. Commissioner Molenda expressed concern over the accuracy of those studies as they were completed with previously approved projects and are now being redone by the Department of Highways. Mr. Covell stated that the traffic studies are not part of the request before them this evening. President Rodgers explained that the change in zoning would not increase traffic; in theory, it would create less traffic as the request is for a lower density zoning. Mr. Covell added that any future development would require new traffic studies and be subject to road improvements as needed.

As no one else came forward to speak for or against this project, President Rodgers closed the Public Hearing at 6:18 pm.

City Attorney Kin Sayre informed the commissioners the decision before them tonight was whether to recommend approval of the zoning change to City Council. Mr. Covell stated that this was a request and to only act on the acreage requested for changing zoning to a residential district. Any motion made should not reference or implicate that a roadway is being approved. Mr. Covell added that the Comprehensive Plan has been followed for the transportation plan for the West side, referencing diagram 11-4 and Boyd Orchard exhibit D, and that the proposed roadways are in progress and being coordinated by the property owners.

Commissioner Hamilton asked who chose the initial zoning. Mr. Covell replied that the zoning was requested in writing by the property owners when the property was annexed into the city.

Commissioner Wachtel asked if Mr. Dailey's company would be doing the building on the property. Mr. Dailey responded not at this time, but interest has been expressed to them for possibly developing a fifty-five and older community.

Commissioner Jenkins made the motion to recommend approval to City Council to rezone the property from BC to RML. 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 the process is moving as planned. The city received several applications and interviews have been set up for next week with the top three firms. Once the firms are interviewed, they will be ranked and the top ranked firm will be contacted for negotiation to try to secure services and cost for approval by City Council so work can be underway. Mr. Covell added that most of the consultants are aware of Martinsburg and the pressures we are under, and are all qualified to do the job.

2. **Infill Ordinance.** Discuss development of compatibility requirements for infill development.

Mr. Covell advised that he is looking for input on how to proceed, whether by committee or subcommittee. Commissioner Molenda stated that last time this ordinance was worked on he had expressed an interest in working on the project and he would still like to, but questioned if having a new Comprehensive Plan in the next year or so will influence what they would like to achieve with the Infill Ordinance. Mr. Covell responded it is the intent of the Comprehensive Plan to determine if any other regulations need to be revised to meet the community goals. Commissioner Molenda feels the need to complete the Comprehensive Plan first, and then review the Zoning Ordinance and Infill Ordinance under the new plan. Mr. Covell stated that the purpose of the Infill Ordinance is to keep with the characteristics of a neighborhood, such as preventing a mansion being built in a community with mainly smaller homes and lots. Commissioner Palmer asked if the Comprehensive Plan and Infill Ordinance would be done together by the same firm. Mr. Covell answered no, they need to be evaluated separately, but he will keep everyone updated. Commissioner Palmer suggested that everyone look at different neighborhoods and familiarize himself or herself as to be better prepared once the project is underway. Mr. Covell agreed.

3. **Floodplain Ordinance.** Discussion and regulatory overview.

Ms. Smith provided an overview on our floodplain ordinance. President Rodgers asked if the ordinance pertained to construction within a floodplain zoned “A”. Ms. Smith explained the overlay district and that there are many zones within. President Rodgers stated that the floodplain normally fell around areas like the Tuscarora Creek and such. Ms. Smith added that the creek itself is called the flood channel and then the flood plain is where water rises over the creek bank. The term “100-year floodplain” means there is a one percent chance that flooding will occur in that area each year. Mr. Covell recommended use of a visual tool, called the West Virginia Flood Tool, that anyone can google and access. This tool allows you to visually see streets, houses and the floodplain in different levels of detail. Adding that this tool is used regularly in the office to assist customers. Commissioner Molenda asked for the requirements if someone wanted to build in a flood zone, using Matthew’s Foundry as an example. Mr. Covell

responded that it depends on the proposal of the applicant, but generally, an applicant is notified up front that they need a report completed by a professional engineer, modeling the floodplain, and a report with the proposed projects that will show whether the applicant's proposal will have impact on the area. The results for the report determine the next step in the process, which is generally a review and public hearing before the Board of Zoning Appeals. Once all of the information is reviewed and approved, a Site Plan can go before the Planning Commission. President Rodgers asked if the current floodplain ordinance is successful. Mr. Covell answered yes, it does work, but it is not used or looked at often enough. Mr. Covell added that Martinsburg has a level eight floodplain certification. President Rodgers added that from another perspective, redeveloping in a flood zone is very difficult financially, due to needing flood insurance as required by law, but is required in order to have flood insurance for an existing structure within a flood zone.

OTHER BUSINESS: None

Vice-President Molenda asked if a follow-up on the shipping container ordinance could be added to the next agenda showing how effective the ordinance has been.

ADJOURNMENT:

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

Jim Rodgers, President

Holly Hartman, Planning Secretary