

**PLANNING COMMISSION
CITY OF MARTINSBURG
232 N. QUEEN STREET
Regular Meeting Minutes
May 3, 2017
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, Jeffrey Molenda, Reenie Raines and ex-officio member Councilman Greg Wachtel. The following Commissioners were not present: Scott Hamilton, Chris Ross and Yvonne Jenkins. 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 April 5, 2017 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:

President Rodgers noted that the sequence of the cases would change to keep the three cases with the same applicant together; therefore case # SP17-022 will be heard first.

- 1. CASE # SP 17-022. 415 Wilson Street.** Application requesting Site Plan review for an approximate 2,520-square-foot addition to existing structure. Peter J. Callahan, applicant.

Peter Callahan, Callahan Counseling Services, presented this request. He explained that he is requesting approval for the expansion of 415 Wilson Street to make room for additional beds for transitional housing.

President Rodgers asked for staff input. City Engineer/Planning Director Michael Covell stated that this is a Site Plan request that has already been through the Board of Zoning Appeals where they were approved to use this location for the proposed facility. President Rodgers inquired about the zoning classification on the plat. Mr. Covell stated that the RUA (Urban Residential Class A) noted on the plat is incorrect; the zoning is BC (Community Business). Mr. Covell added that as of today the stormwater management has been recommended for approval by our consultant. The majority of staff comments have been addressed and input from other city departments has been submitted including a letter from the police department stating that this is a much-needed asset for the community.

President Rodgers asked if the end of Raleigh Street adjacent to the site would be extended to connect with Jefferson Street. Mr. Covell replied no, there are no plans for Raleigh Street to be extended into a thoroughfare.

Commissioner Palmer asked if the comment responses were acceptable to staff. Mr. Covell answered yes; they were successful in making the plans more clear and understandable.

Commissioner Molenda made the motion to approve the Site Plan as presented. Commissioner Raines seconded the motion followed by a unanimous vote of "aye". Motion carried.

2. CASE # SD 17-014. 14725 Apple Harvest Drive. Public Hearing. Application requesting to subdivide an improved parcel consisting of approximately 20.383 acres to create two parcels sized approximately 19.486 acres and approximately .897 acres. Insite Development Services, LLC., applicant.

Walker Williams, Insite Real Estate, presented this request. Mr. Williams stated that he is requesting to subdivide the existing Lowes parcel, followed by a Map Amendment and then the approval of the Site Plan application.

Commissioner Molenda asked in regards to the Map Amendment request that the deed has restrictions that state that the property cannot be used for a gas station, fast food restaurant, convenience store with the exception of a sit-down restaurant, but the Subdivision application appears to indicate that the parcel will be used for a use similar to what is listed. Mr. Williams responded that they are planning on a three tenant building. One tenant will be Aspen Dental but the other two spaces have not been leased at this time. One may potentially be a restaurant, but the attorneys are aware of the deed restriction and their attorneys plan on working that issue out privately with the owner prior to executing the lease. City Attorney Kin Sayre stated that if any approvals are granted it will not affect the restrictive covenants.

Commissioner Molenda asked what additional traffic the proposed plan would add to the stoplight at the entrances intersection because that area has been discussed before and he feels it cannot take much more traffic. Mr. Williams responded that in the early stages of the project they reached out to the Department of Highways (DOH) and offered to perform a traffic study. The response was that a traffic study was not necessary but that they could increase the queuing length for the right turn lane.

President Rodgers opened the Public Hearing at 6:14 pm. As no one came forward to speak for or against this project, President Rodgers closed the Public Hearing at 6:14 pm.

Mr. Williams explained, using page C-300 of the Site Plan, how the proposed driveway will change and how much extra queuing space will be added to the turn lane to help increase traffic movement. Commissioner Molenda expressed concern with the DOH input as they do not drive through the area and does not feel that light sequencing is going help. Commissioner Raines added that the train crossing adds to the traffic as well. President Rodgers asked for the expected traffic load from the proposed building. Mr. Williams replied that it would be hard to say without knowing who two of the tenants will be, but they are adding fifty-seven parking

spaces, which might give an idea of the expected traffic. President Rodgers stated that with Lowes being approximately 115,000 square-feet, an additional 7,000 square-foot building would not increase the existing traffic substantially. Commissioner Molenda disagreed and felt that the DOH is incorrect.

Ex-officio member Councilman Greg Wachtel stated that the DOH recently announced that one of their projects for the near future is realigning the traffic out of The Commons. Mr. Williams added that the DOH asked for at least a twenty-foot setback in case of a future additional traffic lane. He also stated that there would be signage and road markings to assist with the flow of traffic.

President Rodgers asked if the proposal was a conforming use. Mr. Covell stated that the subdivision was a conforming piece of land. President Rodgers stated that the Commission's authority does not allow them to deny a request based off the belief that there will be an increase in traffic. Mr. Covell stated that based on the setup of the regulations, if you can meet the conditions that the jurisdiction requests to meet the passage of a Site Plan then the Commission is obligated to recommend approval.

Councilman Wachtel inquired about the size of the right-of-way as the local requirement is twenty-feet and the state is thirty-feet. Mr. Sayre stated that the right-of-way varies based on conveyances and that the right-of-way across Apple Harvest Drive is well over thirty-feet.

Mr. Covell recommended a motion be made on the Subdivision first to maintain order of the review.

Commissioner Palmer made the motion to approve the subdivision request as presented. Commissioner Reichard seconded the motion followed by a unanimous vote of "aye". Motion carried.

3. CASE # MA 17-020. 14725 Apple Harvest Drive. Public Hearing. Application to change the zoning of an improved parcel sized approximately 39,054 square-feet from IL (Light Industrial) to BC (Community Business). Insite Real Estate Investment Properties, LLC., applicant.

President Rodgers opened the Public Hearing at 6:30 pm. As no one came forward to speak for or against this project, President Rodgers closed the Public Hearing at 6:30 pm.

Mr. Covell advised that this request is to re-zone the subdivided parcel only. Commissioner Palmer asked if there were an obligation to differentiate between the deed restrictions and what is planned for the parcel. Mr. Sayre said there is not. The commissioners are only dealing with zoning requirements. He added that the attorney for the applicant, Mr. Kennedy, is handling the land use regulation issues and restrictive covenants with the property owner and neighbors.

President Rodgers asked for any staff concerns. Mr. Covell responded that this is a logical request and that immediately to the west is the same zoning district, as well as most of Foxcroft Avenue before you reach the mall area.

Commissioner Reichard made a motion to recommend approval of the Map Amendment request to City Council. Commissioner Molenda seconded the motion followed by a unanimous vote of “aye”. Motion carried.

4. CASE # SP 17-025. Southwest corner of existing Lowes parking lot (14725 Apple Harvest Drive). Application requesting site plan review of an approximate 7,500 square-foot building with associated utilities, parking lot, and infrastructure. Insite Real Estate, LLC.

Mr. Covell stated that the stormwater management is still under review for this request. One round of review with comments has been addressed and will be completed at staff level. President Rodgers stated that an approval would be made contingent upon final stormwater management approval. Mr. Covell included that the Site Plan must delineate that the cross access easement into Lowes is not part of the parcel that has been created and the applicant will need an access easement giving them a protected ability to have the lot functionally come in and out of the corridor that is the central driveway for Lowes. Mr. Williams stated they are aware of the needed access agreement and are in the process of drafting it.

Commissioner Reichard made the motion to approve the Site Plan request contingent upon final stormwater management approval, completion of the easement agreement and approval of the zoning request by City Council. Commissioner Palmer seconded the motion followed by a vote of “aye” with Commissioner Molenda casting a vote of “nay”. Motion carried.

DISCUSSION/ACTION ITEMS:

1. Comprehensive Plan Update. Status update by Planning Staff.

Mr. Covell stated that the consultant has provided a summary of the meeting from March 15, 2017 and the sub-consultant, the WVU law and land development clinic, provided an analysis of our current ordinances comparing them to the traditional requirements found in state codes. This points out where pads for progress needs to be made or remove barriers depending on our goals. It also points us to where our ordinances need to be updated and enhanced to close gaps that need to be addressed. Mr. Covell advised that going forward we will have a draft of the report to be shared with the public and to establish a date for presentations.

OTHER BUSINESS:

Mr. Covell informed the Commission that he has given his retirement notice with the City of Martinsburg effective August 1, 2017.

ADJOURNMENT:

Commissioner Molenda made the motion to adjourn. Commissioner Raines seconded the motion followed by a unanimous vote of “aye”. Motion carried.

The meeting was adjourned at 6:43 p.m.

Jim Rodgers, President

Holly Hartman, Planning Secretary