

**PLANNING COMMISSION  
CITY OF MARTINSBURG  
232 N. QUEEN STREET  
Regular Meeting Minutes  
September 6, 2017  
J. Oakley Seibert Council Chambers**

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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, Scott Hamilton, Jeffrey Molenda, Yvonne Jenkins, George Reichard, Steve Workings and ex-officio member Councilman Greg Wachtel. The following Commissioners were not present: Reenie Raines, Chris Ross and Mark Palmer. Also in attendance were Legal Counsel Kin Sayre, City Engineer/Planning Director Kim Petrucci and Planning Secretary Holly Hartman.

**ROLL CALL (and microphone check)**

**APPROVAL OF August 2, 2017 MEETING MINUTES**

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

**UNFINISHED BUSINESS:**

1. **CASE # SD 17-040. 180 Eagle School Road.** Site Plan application requesting review of a 9,000 square-foot building with associated parking and infrastructure. First Link, LLC., applicant.

Lee McCoy, Triad Engineering, representing the applicant First Link, LLC, presented this request. Mr. McCoy stated that they are proposing to build a Dollar Tree at the location of the old McDonald’s. At the last meeting, the applicant did not have approvals from the DOH and Stormwater Management. They have both of these approvals now.

City Engineer/Planning Director Kim Petrucci stated that there are no staff concerns.

Commissioner Molenda made the motion to approve the Site Plan as submitted. Commissioner Workings seconded the motion followed by a unanimous vote of “aye”. Motion carried.

## **NEW BUSINESS:**

- 1. Project # SP17-00002. The Southeast corner of Snapp and Pillar Streets.** Site Plan application requesting review of a 4,500 sq-ft Church structure, associated outbuildings, and infrastructure. Anchor Outreach, Inc., applicant.

Andy DiMagno, PC DiMagno, presented this request. He explained that the request is to build a 4,500 square-foot church on the corners of Snapp and Pillar Street. Mr. DiMagno stated that there will be thirty-seven parking spaces, five of which are handicap, entrances on Snapp Street and Morgan Street, two signs, two building mounted security lights, a shed and a detached concrete pad for a picnic area.

Commissioner Hamilton asked about the type of church itself. Pastor David Reid explained that Anchor Outreach is a church of born-again Christians preaching the gospel. The church moved to the area and started out in a hotel about two years ago, outgrew that location and would like a permanent structure for worship. Commissioner Hamilton asked if the location was strictly a place for worship or if there would be habitation at the church. Mr. Reid replied that no one would live at the church and there will be no food pantries and such. He stated that they support other local outreaches when in need.

Commissioner Molenda asked if all approvals were in order. Ms. Petrucci stated that everything was in order. There are minor stormwater changes but they have all of the needed approvals.

Ex-officio member Councilman Greg Wachtel asked if a zoning change was necessary. Ms. Petrucci answered no.

Legal Counsel Kin Sayre stated that there were outstanding issues, not pertaining to permits. He stated that neither the applicant nor corporation are registered with the WV Secretary of State. Mr. Sayre added that they are registered in Maryland, but not in good standing. President Rodgers asked at what point they have to be authorized to do business in the state. Ms. Petrucci stated that the licenses would be verified during the building permit process. Mr. Reid stated that he has hired Cox Hollida to complete the West Virginia paperwork. President Rodgers stated that the issue can be resolved and does not keep the Site Plan process from moving forward. Ms. Petrucci stated that staff has no other concerns.

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

- 2. Project # SP17-00005. 925 Foxcroft Avenue.** Site plan application requesting review of redevelopment of existing 10,799 sq-ft structure plus construction of drive-thru area, and other associated infrastructure. Pennoni Associates, applicant.

Ron Mislowski, Pennoni, presented this request. He explained that is a redevelopment of the Ryan's Steakhouse. They are looking at having a Blaze Pizza on one end, a Starbucks with a drive-thru on the other end and space for two tenants in between. Mr. Mislowski stated that he received stormwater comments from Chester this morning that they are addressing.

Commissioner Molenda made the motion to table the Site Plan pending stormwater management approval. Commissioner Reichard seconded the motion followed by a vote of "nay" from Commissioner Workings. Motion carried.

- 3. Project # MA17-00007. 1858 Delmar Orchard Road. Public Hearing.** Application requesting a change of zoning for approximately 30.55 acres of an improved parcel containing approximately 62.90 acres from RML (Multiple-Family, Low-Density District) to RP (Planned Residential) and approximately 2.58 acres from RML (Multiple-Family, Low-Density District) to BC (Community Business). Boyd Orchard, LLC., Trustee under Boyd Orchard Trust.

Tripp Dailey, Boyd Orchard, LLC, presented this request. Mr. Dailey stated that they are seeking a change in zoning from RML to RP. They had requested a zoning change for the same location about a year ago, but realized afterwards that RP was what they needed.

President Rodgers opened the public hearing at 6:21 p.m.

- Deborah O'Shea, Delmar Orchard Road, spoke against the request. She voiced concerns about traffic and the number of homes planned for the community.
- Ursula McDonald, The Gallery, spoke against the request. She has concerns with the increase in traffic and where the entrance to the development will be located. She would like to know what community business zoning is and what is planned for that zoned location.
- Norman Chestnut, Delmar Orchard Road, spoke against the request. He also has concerns with the increase in traffic.
- Robert O'Shea, Delmar Orchard Road, spoke against the request. He is concerned with the change in zoning and the possibility of townhouses being built. He feels this will drastically increase the traffic and decrease the quality of life for the citizens currently living on Delmar Orchard Road.

As no one else came forward to speak, President Rodgers closed the public hearing at 6:27 p.m.

Mr. Dailey stated that he understands the citizens' concerns. He advised that he and the engineer were keeping with the city's comprehensive plan that calls for a boulevard parallel to I-81. With Weis Markets building a location the plan had been for a connector road from the market to Delmar Orchard Road. Last year when the zoning was originally changed, it was for a lower density zoning which lowers the traffic. Mr. Dailey stated that they do not intend to pack in townhomes. They want to build a gated community for citizens 55 and older. In order to do this, they have to have RP zoning. The plan is for 94 homes with the thirty acres of the property remaining green space. Mr. Dailey stated that the connector road would strictly be used for access to the development.

President Rodgers asked for the allowed amount of homes in the requested zoning area. Ms. Petrucci responded that it was much more than what was requested.

Commissioner Jenkins asked for more specifics on a fifty-five and older community. Mr. Dailey replied that it could be anyone over fifty-five, couples, widowers, families etc. There will be amenities to accommodate the residents and visitors.

Mr. Sayre advised that the Commission is only recommending approval or disapproval to the City Council for the change in zoning. Nothing regarding homes or roadways is up for approval with this request.

Commissioner Molenda asked for the intended use of the area being returned to BC. Mr. Dailey explained that the area being returned to BC serves no residential purpose. He stated that it is a steep hill but could be considered for a future use.

Commissioner Molenda made the motion to recommend approval to the City Council as requested. Commissioner Workings seconded the motion followed by a unanimous vote of "aye". Motion carried.

**DISCUSSION/ACTION ITEMS: None**

**OTHER BUSINESS: None**

**ADJOURNMENT:**

Commissioner Molenda made the motion to adjourn. Commissioner Jenkins seconded the motion followed by a unanimous vote of "aye". Motion carried.

The meeting was adjourned at 6:38 p.m.

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Jim Rodgers, President

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Holly Hartman, Planning Secretary