

Shepherdstown Planning Commission – July 18, 2012 Special Meeting

Approved Minutes – *as submitted by motion at the 8-20-12 regular meeting.*
Special Meeting – PlaceMakers’ Presentation on Rumsey Green Annexation Request
July 18, 2012

Present:

Commission Members: Josh Stella – President, Jim Auxer – Mayor, Bane Schill – Council Representative, Chris Stroech – Vice-President, Karene Motivans, David Rosen, David Springer, and Kathryn Bragg-Stella.

PlaceMakers: Nathan Norris.

Rumsey Development Group (RDG): Eric Lewis, Crickey Shultz, Chris Colbert, and Chazz Shultz.

Zoning Officer: Harvey Heyser.

Visitors: *(All listed in sign-in sheet order, from the Z.O.’s notes, or from the recording.)* Eve Rosen, Zoe Rosen, Bill Brown, Neal Martineau, Suellen Myers, Sonya Evanisko, Elise Baach, Meredith Wait, Rick Walker, Bernie Somers, Howard Mills, and Gussie Mills.

A. Call to Order: The Meeting was called to order at **7:00 p.m.**

B. Approval of Minutes: *None at this Special Meeting.*

C. Conflicts of Interest: None noted.

D. Visitors: *All were present to listen to PlaceMakers’ presentation.*

E. Applications for Consideration: *None at this Special Meeting.*

F. Historic Landmarks Commission: *No discussion at this Special Meeting.*

G. Committee Reports: *No discussion at this Special Meeting.*

H. Continuing Business: *Items of continuing business that were not listed on the agenda and those that were not discussed during the meeting are not mentioned in these minutes.*

H-5. Proposed Annexation West of Town – Rumsey Green – *The purpose of this Special Meeting was for PlaceMakers’ presentation of their report and for remarks from Rumsey Green to the public followed by questions and comments from the Planning Commission and from visitors. (Times given in parenthesis are approximate start times on the recording. Where known, visitors who spoke are identified by first and last names. PC Members are identified by first initial and last name. Mr. Norris is identified by PlaceMakers, and speakers from Rumsey Development Group are identified by RDG.):*

The President welcomed attendees. He explained the purpose of the Special Meeting: to kick-off consideration of a possible annexation request as part of a process involving public hearings before both the PC and Town Council. He explained that the PC [aided by PlaceMakers, planning consultants to the Town] was asked to come back with proposals and ideas – a vision that the PC thinks fits with the Comprehensive Plan and that the Petitioners like. ([At this special meeting,] the PC wants to get feedback to see if that vision is what citizens of the Town want.)

The President introduced Nathan Norris from PlaceMakers, who are contracted with the Town.

Presentation: After some minor technical difficulties, Mr. Norris made the following presentation. *(3:40)Minutes for the presentation are presented in the narrative mirroring what Mr. Norris said. Entries are numbered in an effort to correlate to the slides of the PowerPoint (which can be viewed on Shepherdstown’s web site):*

1. and 2. PlaceMakers has been working on this project since late last year.

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3. This project has been geared towards safeguarding the community character of Shepherdstown.
4. [This shopping center] is not the same as German St. (image #3). It is a strip mall with a traditional look to the facades of the buildings.
5. In reality, it is a parking lot with landscaping in the middle.
6. As can be seen from this aerial view, it is very much like a [conventional] strip mall with the buildings in the back wrapping around the parking – not at all like German St.
7. What makes German St. special? We love places that have a sense of enclosure – critical for any place that has great character. The “walls” of the space are formed by buildings or trees; the “ceilings” by the sky or the tree canopy.
8. Character is the goal as can be seen in this image of Greenville, SC – so charming people wine and dine outdoors.
9. Community character can also be determined at the scale of the buildings. These two examples are the same company; they sell the exact same products. One of the buildings is suburban in character; the other could fit on German St.
10. Before PlaceMakers got involved, there was a previous effort to develop a master plan for the overall area [west of Town]. (Mr. Norris pointed out landmarks such as Route 45 at the top of the drawing.)
11. This is a similar overall view showing the concept plan submitted by the Petitioners. (In response to a question from Mr. Norris, they indicated that their formal name is Rumsey Development Group. *In these minutes the Petitioners will be referred to by the initials of their formal name – RDG. The development they propose will be referred to as Rumsey Green to decrease confusion.*)
12. This is the RDG concept plan blown-up. (Mr. Norris pointed out the Sheetz, the super market, and the surface parking.) Buildings are to the sides and rear surrounding the parking (like images #4 through 6). PlaceMakers’ task was to find a way to reconfigure the plans that still works for the businesses but also does a better job of reproducing the character of Shepherdstown.
13. This is the sketch RDG provided in January of 2011. The Sheetz is in the right foreground; the super market is in the center background.
14. PlaceMakers had three designers come up with three different design concepts for the project. Schematic Plan #1 in Context shows a direct connection between Rumsey Green and the new Library and the Clarion.
15. This detailed view of Schematic Plan #1 shows how the streets are laid out (creating blocks similar in size to Shepherdstown’s) and showing how connections could be made to adjacent parcels (and to the existing streets in Town) – essentially where things would go and how they would relate.
16. This is a blow-up of the actual site. (Mr. Norris pointed out the Sheetz and the super market.)
17. Schematic Plan #2 (in context) is more basic in structure.
18. Schematic Plan #2 blown-up shows connections to the surrounding properties.
19. Schematic Plan #3 is the alternate the parties have decided is the direction to go in – the alternative chosen for further development. (Mr. Norris pointed out the Sheetz, the grocery store, the green at the entrance, the traffic circle – an approach intended to slow traffic better than a traffic light would – and the potential connections to properties north of Route 45 [including Shepherd’s campus].)
20. The precedent for Schematic Plan #3 is Lake Forrest shopping center outside of Chicago. It is one of the granddaddies of shopping centers, having been built in the 1920’s – very successful and also very beloved. The

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central green is a very pleasant space to sit. The parking is in the back (but still very convenient). Residential uses are mixed with commercial.

21. This is a view from the back of the green looking towards the main street. The shops are on either side. Trees have grown up. The green is a very popular area.
22. This view is from the road as you are turning in. The green is heavily landscaped. It includes civic art, outdoor furniture, and a fountain. The architecture is distinctive, and there are a substantial number of parking spaces.
23. This view is a close-up of the parking spaces and walkway in front of the shops (with trees, plants, and benches).
24. Lake Forrest has residential and office uses mixed in and hides its parking lots.
25. Birkdale Village, NC is a recent example based on the Lake Forrest precedent – although a much more intense example than is contemplated for Rumsey Green. The basic idea is the green with parking on the sides and buildings of an urban nature such as could be found on German St.
26. This view shows the Birkdale Village green during the day. It is not a huge space but a place where kids can play and people can read books outside.
27. At Rosemary Beach, FL, they built the town center around the main road. This is very successful for retailers. (Mr. Norris noted this is a larger scale development than is contemplated for Rumsey Green.)
28. As PlaceMakers began to develop Schematic Plan #3, Rumsey Green informed them of some restrictions on the use of some of the parcels – restrictions that make it impossible to have commercial uses as close to the road as envisioned (on some of the parcels).

RDG indicated the restriction dates back to when the gas station was a Sunoco and when the Goldsborough family sold parcels they owned between the gas station and what would become the new Fire Hall.

29. Concept A shows the plan flipped with Rt. 45 at the bottom. Some of the buildings shown along Rt. 45 are located on parcels restricted from being used for commercial.
30. Concept B shows the commercial buildings relocated out of the restricted parcels and the building shapes adjusted to meet the needs of interested users (such as drive-in lanes for the bank and a suitable size to accommodate urgent care). The supermarket is still at the back of the green. The Sheetz to the right of the green has its gas pumps behind the convenience store portion of the business – an extremely rare configuration known in planning circles as “gas backwards.” The yellow-orange buildings are limited size residential buildings – townhouses or modest apartment buildings (6 unit buildings with central halls/breezeways, not apartment complexes).

Mr. Norris described the feedback process involving conference calls, further definition of building location and function, and handwritten comments on a copy of the Concept B plan. *The slide of that plan with comments, shown briefly at the presentation, is not included with the presentation version posted on the web site because of the private information reflected by the handwritten comments.*

31. PlaceMakers produced Concept C after receiving additional feedback.

Mr. Norris illustrated the comment process with a slide of handwritten comments on a copy of the Concept C plan. *The slide of that plan with comments, shown briefly at the presentation, is not included with the presentation version posted on the web site because of the private information reflected by the handwritten comments.*

32. After receiving additional feedback, PlaceMakers produced Concept D, which moves the building from the southeast portion of the Sheetz block across the street to the northeast portion of the block with the parking for the grocery store. PlaceMakers then considered a screen at the rear of the Sheetz parking so it will not end up as simply a surface parking lot [resulting in a lack of definition for the space of the green]. The big issue was how to

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keep it from looking like just another gas station. PlaceMakers looked at possible precedents [for screens filling in gaps] ranging from the historic and expensive to the contemporary and less expensive.

33. This example from Bath, England is a covered colonnade [lower center below the church courtyard] that serves as a front to the street. The colonnade is not a building, but it does provide a sense of enclosure to the street.
34. This view shows you can walk right through the colonnade.
35. and 36. These views demonstrate that from other angles, the colonnade [appears more solid and] defines the street wall. It does not look like you are coming up to a gap. This is the historic, expensive way to screen.
37. This image shows a [more contemporary] example from Columbia, SC.
38. It is a restaurant outdoor seating area. When you are sitting there, you can see out, but if you are walking down the street, the gap is disguised.
39. In Birmingham, AL, they had two surface parking lots that created a big gap along an important pedestrian walkway.
40. To address the gap, they put up a modest canopy seen in this view from across the street.
41. This view shows what a pedestrian sees – a not totally successful effort to screen the parking lot.
42. This is another example of a colonnade (arbor, pergola, covered walkway) to provide some measure of enclosure.
43. Concept E shows the arrangement Sheetz wants with their building pushed back (so the parking can be straight across), no access drive to Rt. 45 on the right on their building, and no building on their back corner (or on the corner of the grocery store parking lot. As a result, the mitigation provided by a screen becomes all the more important [to provide enclosure for the green space]. Without that, the space will not have the character desired.

Traffic Circle: PlaceMakers continues to recommend a traffic circle instead of a traffic light. (This is an issue that has to be worked out with the WV Division of Highways – WV DOH.) A traffic circle will signify to drivers they are coming into Shepherdstown. (There might be a feature such as a statue of Rumsey in the circle.) It makes it easy for drivers (going at slower speed) to turn into Rumsey Green. The circle works better than any sign for locating where businesses are. The circle slows traffic and provides a gateway to Town.

Because of the restriction on commercial use (#28 above), the traffic circle could shift up – more onto Rumsey Green property. PlaceMakers envisions the entrance to Shepherd’s West Campus being shifted to the circle in the long term.

44. This slide shows PlaceMakers unit counts and square footage tabulations (for all the buildings shown) done to enable Rumsey Green to evaluate Concept E.

Question from D. Springer: How does the tabulation match up with Rumsey Green’s original projections? There seems to be quite a lot more building coverage/footprint than was shown on their original concept plan.

Response from RDG: The tabulation is very similar [to their projections]. Their original concept had less footprint and more three story buildings than Concept E shows.

45. What will the new Sheetz look like? It will likely be the first building built on Rumsey Green. It will not look like the current building, which is not a particularly functional gas station. (Rumsey Green recalled that 25 to 30 years ago the building was a cinder block gas station.)
46. Drawings of Recent Sheetz Prototypes: The top elevation would be the “front” facing the gas pumps. The bottom elevation would be the “back” facing Rt. 45. (RDG indicated that Sheetz has shown them prototypes with fake fronts including glass on the back side [the side that would face Rt. 45].)

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47. This elevation shows the side that would face the green.
48. This is an actual Sheetz from Willow Crossing (?) at Country Club Rd. outside Charles Town. *[There was some confusion over whether this was the side that might face the green or the front that might face the gas pumps.]*
49. This view shows the back – [the side that might face Rt. 45].
50. This is the other side (that might face the pumps?) (RDG observed that, if this side faces the pumps, it will have to be dressed up more.)
51. PlaceMakers did not receive feedback on how Sheetz proposes to address the issue of dumpsters (shown in this view). Those issues have yet to be resolved.
52. What will the gas pumps look like? Unfortunately, there is no kinder and gentler version of the pumps. One reason Sheetz was willing to locate the pumps in the back was because they would not have to change from their standard pump and canopy design. As a result, enclosure of the green is even more important to mask the pumps.
53. This is an example of how the traffic circle might be handled.
54. This fountain feature from Forrest Hills, IL might be considered for the green.
55. This is the “footprint” for the apartment buildings [suggested for the residential portion of Rumsey Green] – conventional 3 story buildings configured with center breezeways [or hallways] and 6 apartments (3 on each side of the breezeway).
56. These are example apartment buildings from SC. They fit the basic footprint PlaceMakers used to develop the block structure.
57. These are example townhomes that fit the same footprint.
58. The next big issue in reaching an annexation agreement is what the specific uses will be. What will be the zoning? What will be commercial? What will be residential? This is a series of illustrations of why PlaceMakers does not regard use as the most important factor.

This is an existing condition in Starkville, MS with a parking lot in front of a commercial building. Residents would prefer a configuration like German St. with the building pulled up to the sidewalk and the parking to the rear.
59. This is an acceptable configuration with the same business and parking placed on the street and in the back.
60. This is also an acceptable configuration with the store below and offices or residential above.
61. This scenario replaces the store with townhomes
62. This scenario shows apartment buildings in the same situation with the same setbacks and basic configuration.

All these various uses (#59-62) can create the kind of street space desired. [That is the reason PlaceMakers does not regard use as the most important factor.]
63. This is a sidewalk in Shepherdstown – a feature desired for the Rumsey Green area (as well as the walls the Town is known for).
64. Block Structure: One of the most important aspects of the plan PlaceMakers came up with is the structure of the blocks and where the streets go. Buildings change, but streets can last a very long time. (Some have been around for thousands of years.)

This example is Kentlands, MD, an otherwise traditionally designed community, where they realized that the only type of commercial development they could accommodate at the time was big box commercial with big surface parking lots out front. However, they established a block structure and street grid that will allow for the parking

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lots to be translated into walkable urban blocks in the future. Then they made sure the infrastructure followed the future blocks and streets [not running diagonally across current parking lots that could become building lots in the future]. That way the land could be feasibly converted to a more urban pattern in the future – something Kentlands has begun doing after 15 years, replacing big boxes with more traditionally configured urban buildings.

PlaceMakers recommends modest sized blocks and putting in the infrastructure to follow the block structure (where the building will not be). PlaceMakers strongly recommends paying attention to where infrastructure is located so the area can grow and change affordably over time without having to replace incredibly expensive [streets, pipes, and wires].

65. What are the next steps?
- a. PlaceMakers will answer questions and get feedback at this meeting.
 - b. Assuming some general meeting of the minds with RDG, PlaceMakers will establish terms for the annexation in writing to keep things moving in the direction established.
66. Questions and answers: PlaceMakers asked for questions from those present at this time. *(This was the end of the slide presentation. Unfortunately the computer/projector interface failed shortly after the presentation was completed. As a result later viewing of the slide images was not possible.)*

Questions and Answers (41:25): *The following entries are numbered for ease of reference. They continue the sequence established for PlaceMakers' report but do not correspond to any slides. Where known, the identity of those asking questions is noted. Mr. Norris spoke for PlaceMakers, and except as noted, Eric Lewis spoke for Rumsey Development Group (referred to as RDG). PC Members are referred to by first initial and last name.*

67. Neal Martineau: What is the green space in front of Sheetz (towards Rt. 45)? RDG indicated it was likely to be pavers with outdoor seating, although Sheetz's detailed plans are not known. RDG also mentioned they still contemplate McMurrans style stone walls, [which may be appropriate at this location.] PlaceMakers advised this sort of situation is the kind that should be covered by the agreement.

RDG indicated that Sheetz would like to submit their site plan for PC review simultaneously with the annexation agreement to keep the process moving along expeditiously. The Sheetz site plan will cover the specifics of what gets placed in that green space.

J. Stella pointed out that, for expediency, the clearer the agreement is [about details] the faster the Town and the PC can react to specific requests.

J. Stella suggested RDG come back with an annexation application that includes a lot of detail about Sheetz. He also suggested that the road network [block structure] shown in PlaceMakers' presentation become part of the Town's road system. RDG expressed agreement with the second suggestion. Mr. Stella went on to state that Sheetz and the green are things that are known in some detail at this time. (The rest of the area is not so defined yet.)

68. RDG indicated there will be things the Town needs (such as sidewalks and walls) and things RDG will need (such as variances under the Planned Unit Development provisions – PUD).
69. J. Stella stated that the PC understands the need to readdress the Comprehensive Plan over the next year or so and wishes to leverage the experience of having professional assistance on this annexation into a broader view of what a Comprehensive Plan revision might look like. (How will Shepherdstown grow in more general terms – not just this one annexation request?)
70. PlaceMakers cautioned against copying a big form based smart code like Ranson's, which a small town like Shepherdstown does not have the resources to administer. Instead, Mr. Norris suggested culling some provisions

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from form based code rules (such as how buildings should relate to public spaces) and applying those requirements to Rumsey Green. (What will happen in the back {of lots} is of much less concern than what will happen on the street.)

71. RDG expressed appreciation for the iterative interaction with PlaceMakers. (RDG thought what they came up with originally was good but found what PlaceMakers came up with 50 times better.) RDG indicated that the plan worked out is something the community can be proud of. (It can set the standard for future development around Town and might even be a national model for a live/work community that integrates new development with an historic community.) RDG indicated that what PlaceMakers came up with also does a better job of what RDG hoped for in terms of options for older residents. (Not only can there be an urgent care and grocery store, but also transitional apartments and other possibilities for those downsizing.)
72. PlaceMakers stated that Rumsey Green will not compete with German St. for charm, no matter how special the development is. (It will not replace German St., and for the most part, the types of tenants will not be the same.)
73. PlaceMakers discussed the grocery store, which they had put a great deal of thought into: This is not the usual configuration (a store behind a large surface parking lot). The parking is a must, but it has been located in a much less noticeable location. The store, though, is located in the most prominent location in Rumsey Green [at the end of the green], and with some special building features (such as a tower), the location will be attractive to a grocery chain even though the layout does not match their standard site plan.
74. *Unidentified speaker:* How will people get to Rumsey Green? PlaceMakers mentioned the need to complete the sidewalk network out to Rumsey Green. J. Auxer stated that possibility has been discussed with RDG since the beginning of the annexation process and indicated the need for RDG to submit a definite proposal for how to get sidewalks out there. J. Stella mentioned two additional opportunities:
 - Walking and bicycling along Back Alley. (Through traffic could not be allowed because of an agreement with West End residents.)
 - Possible extension of one of the Town streets south of the Church.

In response to comments about pedestrian crossing busy roads, Mr. Stella pointed out the need to coordinate with WV Division of Highways (DOH) who have jurisdiction over arterial roads (especially an issue with the contemplated traffic circle).

75. Meredith Wait raised questions about the effect on the 4-way stop. She observed that traffic there increased greatly when Food Lion opened (because of vehicles from MD) and expressed a need for comprehensive traffic planning to address this issue. J. Stella agreed that traffic is a critical part of any plan. He suggested discussions with Shepherd about the possibility of having part of their road network serve as a northern bypass, since in his opinion, much of the traffic at the 4-way stop is Maryland to Martinsburg commuting. (Those discussions have not been held.)

Mr. Stella pointed out that the [development] of Rumsey Green is not dependant on annexation. [RDG can proceed under County jurisdiction.] (Annexation does, however, give the Town an opportunity to work with RDG, Shepherd, WV, and other land owners to come up with a way to make this better serve the Town – an opportunity not possible if Rumsey Green is developed in the County.) Mr. Stella pointed out that having the Shepherd drive come into the contemplated traffic circle rather than entering randomly into Rt. 45 will help.

76. Sheetz's Appearance: PlaceMakers reported a conversation with one of the premier retail consultants in the nation, who was surprised that Sheetz would consider locating the pumps in the back. PlaceMakers did, however, stress the importance of working out the details of the appearance issues related to Sheetz.

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77. Ms. Wait reported that the current Sheetz site has been purchased by AC & T and asked what is planned for that parcel. (Can it be made part of the Rumsey Green plan?) RDG responded that AC & T is in the real estate business as well as the convenience store business and indicated that, when Sheetz vacates the property, the canopy and tanks will be removed. As to the future plans for the use of the property, RDG did not know those. They also did not know if AC & T would consider annexation in the future but stated the property is not part of the current annexation request.
78. Annexation Process: J. Stella summarized the process. (The town does not initiate the process. There are rules and a policy governing the process. The next steps will include public hearings before the PC and Town Council.)
79. D. Rosen: What will be included in phase 1? RDG responded as follows: the Sheetz, the green (with associated sidewalks, parking, and landscaping), and the buildings across from Sheetz (*to the left of the green on slide #43*) – basically what is shown between Rt. 45 and the first cross street back.
80. J. Auxer: What information will be submitted next? RDG indicated that they plan to submit a detailed site plan for Sheetz but do not anticipate spending for designing detailed site plans for the other buildings in phase 1 until RDG and the Town have reached a formal agreement about annexation. (Sheetz time frame is more critical: they are willing to risk paying for design work now because they cannot wait.)
81. D. Springer pointed out that it is critical for phase 1 to include the green and adjacent streets because those elements build the character of Rumsey Green. RDG agreed because of the need to access Sheetz from those streets.
82. Walking Connections: J. Stella urged specifying where connections will be made as part of phase 1 documentation.
83. Form Based Code [also known as Smart Code]: J. Stella indicated his understanding that RDG cannot give detailed plans for later phases but suggested taking a look at what a form based code for Rumsey Green would look like – something simple [as advised by PlaceMakers] but specific [applying to Rumsey Green]. He indicated that there is a little money left in the Town’s contract [with PlaceMakers] and wondered, depending on RDG’s willingness to contribute, if we could not come up with a “straw man” form based code to guide the rest of the development. (That way future permit applications would be regulated by the infrastructure laid out by the site plan [with the annexation agreement] and the form based code in lieu of Title 9 – a code which would accommodate the variances needed to build Rumsey Green.)

J. Stella also expressed his hope that a collaborative effort on a “straw man” form based code might serve as a starting point for what the Town might do in considering other annexation requests and for revision/modernization of Title 9.

J. Auxer indicated that RDG had agreed to a collaborative effort and proposed to get costs and to see what funds are left in the Town’s contract with PlaceMakers.

J. Stella suggested RDG make a start on generating what they will need in a “straw man” code to make Rumsey Green work.

The PC expressed a need for more public input/opinion and encouraged visitors who had not commented yet to speak.

84. *Unidentified speaker:* Why will the new Shepherdstown Sheetz be larger than the new Charles Town Sheetz? RDG responded that the Charles Town Sheetz is only a mile from another Sheetz.
85. *Unidentified speaker:* Will the traffic on Rt. 45 and the area population support the larger Sheetz? RDG responded yes, Sheetz is the marketing expert: they told RDG how big a store they needed. RDG also clarified that the new Sheetz would be similar in size to the old one in Kearneysville (except with the pumps in the back) easier to get in and out plus bigger aisles.

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86. *Unidentified speaker:* She expressed her opinion that Sheetz stores are generally not attractive. RDG responded that it was a huge win for them to get Sheetz to agree to locate the pumps in the back (one of only 2 so configured out of 400 Sheetz stores). RDG expressed their opinion that the newer design with brick and canopies is more attractive than past designs. They indicated that combining the new design with the pumps in the back and a faux front facing Rt. 45 will yield a result about as attractive as a Sheetz can get. (That is RDG's goal. They want it to be an attractive addition to Town.)
87. Rick Walker observed that the population of Jefferson County is projected to grow by 42% in the next 18 years. He congratulated the Town and PlaceMakers on their efforts.
88. Neal Martineau stated that the design PlaceMakers showed is 500% better than what was started with. (It displays what can be accomplished using form based code ideas.) Mr. Martineau especially expressed agreement with the proposed round-about (traffic circle) and green. He also indicated his interest in the way the proposed block system implies future connections to the existing Town street grid and expressed hope those connections will be considered. Mr. Martineau expressed his opinion that the PUD portion of the Ordinance is unwieldy and urged adoption of a form-based code.
89. J. Stella stated the goal, as he saw it, will be to come up with a simplified form-based [code] approach to this particular annexation so the PC does not have to consider a large number of variances – an approach which can then be used as the seed for modernization of the Ordinance in general. Mr. Stella indicated that an iterative approach would be best: start small, learn [from the experience], and expand over time. He also reminded that the proposed traffic circle will come under State jurisdiction since they own Rt. 45.
90. *Unidentified speaker:* She complimented the aesthetics but asked if form based planning includes regulations on signage. PlaceMakers responded yes. (It is easy with 2 or so pages of code.) PlaceMakers pointed out that the need for signage is based on the speed potential customers pass by. (If vehicles are traveling by at 45 mph, businesses need large signs – and even their buildings – to alert customers. When people pass by on bikes or foot, signage can be less obtrusive.) PlaceMakers did caution against doing what Hilton Head SC did – severely limiting sign sizes along a highway, thus making it impossible for visitors to locate where they want to go. PlaceMakers expressed their opinion that signs similar in size to those on German St. will meet most of the needs for Rumsey Green.

The PC indicated it is working on a major revision to the Ordinance sign provisions and encouraged the public to attend upcoming meetings when those changes will be discussed.

91. *Unidentified speaker:* She observed that sign regulations are critical for keeping German St. competitive with Rumsey Green and asked if there are limitations to chain businesses in form based code. PlaceMakers indicated no. The speaker asked if the PC or Town Council was considering any. J. Stella responded that, if the public desire they be part of the annexation agreement, the PC and Town Council would negotiate for them. However, he pointed out a more likely scenario is whether a chain can do their standard suburban prototype or is required by the code to do something else[more compatible with Shepherdstown].
92. What Ordinance Requirements Will Apply? Meredith Wait asked if the Ordinance requirements will be the same for Rumsey Green and the rest of Town. J. Stella expressed his opinion they will not be – that the annexation request will list the exceptions RDG wants. He also pointed out that much of Town would require variances from the Ordinance if it had to be rebuilt. He indicated there are two customary ways to deal with this issue as it relates to annexations: 1) have the Ordinance apply and handle each building project's needed variances on a case by case basis – impractical for a project on the scale of Rumsey Green or 2) list in the annexation agreement the provisions that apply and the variances needed.

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Mr. Stella stated the fact that the Town has to grow to fund its costs and put forward a third alternative: 3) develop a more forward thinking “new code” to apply to all the contemplated annexations. He expressed his hope that over time the “new code” might come to apply to all of Town (not just the annexations).

Ms. Wait expressed her initial sense that the result will be an uneven playing field where businesses on German St. have size limits on total signage and lots of regulations and new businesses in annexed areas do not have to meet those requirements. Mr. Stella indicated that was not what he had been suggesting. (The starting place should be Title 9, and RDG should propose the variances they want – for the purposes of a negotiation process.) [The suggested form based code process could be used to work out the differences.] Mr. Stella insisted that, although the PC does not want to have to work through every variance [for a large number of permit applications], that does not mean the rules should not apply. He reminded that whatever is negotiated will have to be presented at public hearings before the PC and Town Council when the public will have opportunities to voice their opinions.

93. Ms. Wait: What happens when those opinions are voiced? Will the Town go back to RDG and request the conditions be changed? J. Stella expressed his commitment to consider annexations carefully and to listen to public comments closely. He continued and stated that when RDG approached the Town, we hired PlaceMakers to work with them – It has been an excellent relationship to date. Mr. Stella indicated he saw no reason to be skeptical of the continuing process working.

RDG stated that, if they had wanted the most economical, most profitable project, they would have build their original plan in the County. They indicated the process they have gone through was great and the results are better than what they proposed. They pointed out that they had given things in the negotiations (for instance the traffic circle a more costly but better option than the traffic light). They indicated that, if future negotiations go the way the past 6 months have gone, the community will end up with something good that does not hurt the downtown.

94. German St. Business Issues: K. Motivans pointed out that there is an uneven playing field: there is only one German St. [in the entire world]. She reminded that there are more than a few empty storefronts at Maddex Square despite its readily available parking. Ms. Wait pointed out that the issues facing German St. businesses are complicated, beginning with the 4000 students returning in several weeks. She indicated that, even though there are no empty storefronts at present, turnover has happened faster and faster. (At present, there are also 6 buildings for sale with no takers.) She asked the PC to take notice of these issues important to the 55 German St. businesses.

K. Bragg-Stella encouraged businesses to be represented at PC meetings and to come forward with a list of issues. (The PC wants input.) Ms. Wait brought up the following issue: the 4-way stop. (Businesses cannot get their customers into Town except on weekends and after 2 p.m. – without customers, the businesses cannot be competitive.)

Ms. Wait pointed out that the Town has spent \$30,000 for PlaceMakers to study Rumsey Green and asked for some of the focus to be shifted to downtown businesses and their issues. J. Stella responded that the Town spent three quarters of a million dollars on Streetscape. J. Auxer pointed out that the planning involved in that effort cost substantially more than PlaceMakers’ contract and indicated that Streetscape continues to cost all residents and property owners for correcting problems and continued maintenance/repairs.

J. Stella brought up the revisions to Ordinance provisions regarding signs and pointed out that the first step made by that effort was to solicit input from businesses. He stated the Town’s recognition that the loss of the downtown business district would result in the loss of the character of Shepherdstown as we understand it. He repeated the PC’s interest in hearing about needs from German St. businesses. (The reason the PC decided to spend \$30,000 to study Rumsey Green was because they recognized a need for professional guidance [regarding this important proposal].) Mr. Stella expressed his opinion that the results have justified the PC’s decision. K. Bragg-Stella pointed out that one of the reasons for hiring PlaceMakers was a desire not to agree [with RDG] to something that

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might inadvertently hurt German St. businesses. She expressed her opinion that, in effect, part of the \$30,000 expenditure was an effort to protect German St.

95. WV Division of Highways: K. Bragg-Stella indicated the need for the Town to work with WV DOH. J. Auxer pointed out that they had been quite helpful during the underpass project.
96. K. Bragg-Stella stated that we have to be prepared for the growth we see coming so as not to be swept away. This [Town effort related to Rumsey Green] is part of that preparation. (We cannot put a wall around Shepherdstown. All of us residents and businesses have to be part of making these decisions.)
97. The PC reminded attendees there will be future public hearings on this matter and asked for any final comments.
98. Position of Sheetz Building: The Z.O. expressed his preference for locating the building closer to Rt. 45 (as shown in Concept “D” – slide #32). RDG responded that Sheetz has been adamant that what is shown by Concept “E” (slide #43) is what they are willing to approve. RDG pointed out that Sheetz completely re-worked their site plan to match PlaceMakers’ overall concept.
99. J. Stella asked if Sheetz had expressed any concerns about the suggested colonnade/screen. RDG responded no but indicated Sheetz would like to hear feedback on the idea.
100. Rick Walker observed that full occupancy of storefronts is quite unusual in small WV towns during this recession and urged Shepherdstown to realize how lucky we are.

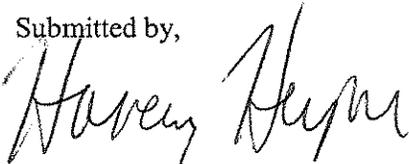
I. New Business: *No items discussed at this Special Meeting.*

J. Administrative Matters: *No items discussed at this Special Meeting.*

K. Non-Agenda Items: *No items discussed at this Special Meeting.*

L. Adjournment: 8:40 p.m. *The recorder was on for approximately seven (7) minutes after adjournment recording overlapping, garbled conversations among attendees.*

Submitted by,



Harvey Heyser, Zoning Officer