

**Rumsey Green Committee(RGC) –  
11/27/12 Summary Minutes and 12/03/12 Action Items (final)**  
(Action items in **Bold**)

Attendees: Kathryn Briggs-Stella, Harvey Heyser, Jim Auxer (partial), Steve Ayraud, Eric Lewis, Nathan Norris (via telephone)

- I. Figure 1: Location Plan – This will show adjacent properties. **Placemakers (PM) to provide.**
- II. Timeline. Regulatory Code Version 1 comments to be finalized November 28, 2012. PM is willing to accept the RGC Summary meeting minutes as the Town’s formal response. **RGC to submit draft summary minutes.** PM could have a Version 2 submittal by 12/10/12 which would allow review by the Planning Commission (PC) at its 12/17/12 meeting. Comments to Version 2 will be provided by 12/21/12. PM Version 3 submittal are due approx. 1/10/13. 1/21/13 PC meeting would allow final acceptance. Tentative Public Hearing 2/18/13. Also see Annexation discussion below.
- III. Single story mixed-use buildings. 11/19/12 PC meeting result: 1 story buildings to be prohibited except for Sheetz and grocery store. Need to insure front access to all units and separate entrances needed for upper story units. **PM to add in next version.**
- IV. Mixed use buildings. 11/19/12 PC meeting result: For buildings indicated on the concept plan as mixed use (except for Sheetz and grocery store): 50% minimum of the overall site mixed-use floor area above the 1<sup>st</sup> story shall be used for residential. 1<sup>st</sup> floor of mixed-use buildings shall be non-residential. **PM to add in next version.**
- V. % open space – **PM needs to calc this.** Rough calculations by S.Ayraud indicate approx.. 5% based on the concept plan. RDG: Space for open space is an economic issue. Is it possible to shrink grocery store parking to provide additional space? **PM/RDG to look at the possibility of providing additional open space near the Apartments.**

If a variance is justified, is it possible for the PC to allow this or does it need to go to the Board of Appeals? **H. Heyser to discuss with Amy Boyd and possibly the Town attorney.**

- VI. Review of Figure 3: Regulatory Plan. Open frontage designation is confusing on this plan. **PM to reissue with “Open Frontage” clarified.**
- VII. Review of Street Types

**PM to reissue simplified versions of these documents. PM to indicate the background for how these street types were proposed for Ranson.** The Town may need to set up simulations with cones for garbage and fire truck clearance testing. Yield lane is not necessarily a correct description of the Types E&F. (The Z.O. conveyed a copy

of PM's draft documents to Public Works Director Welch on 11-15-12. He will review PM's street designs, but he did bring up the difficulty of getting garbage trucks down very narrow streets. ) Are these dimensions (including turning radius) okay with the Fire Department which has large (non-urban) vehicles?**RDG to review and respond. Public Works Director to respond.**

## VII. Review of Chapter XXX: Rumsey Green Mixed Use Center District

### A. Missing items

1. Signage – **PM to provide suggestions for building and Route 45 signage.**
2. Building appearance . 11/12/12 PC meeting result: This is not a major concern to the PC, but would like PM to provide suggestions. **PM to add in next version.**
3. Missing Table 1. **PM to add.**

### B. Permitted uses

1. Usage of RC zone for the Rumsey Green Project.
  - a. Permitted Uses Section – S.Ayraud feels that duplicating the Title 9 RC list of permitted uses in the RG Regulatory Code could lead to future mis-coordination between the two and, as a consequence, could result in disputes with a developer. N. Norris, E. Lewis and J. Auxer believe that the convenience of having this list in the Regulatory Code outweighs other considerations. The consensus therefore is: The RC zone permitted uses as listed in Title 9 shall be duplicated in the RG Regulatory Code. Additional uses not included in the RC zone shall be specified for the gas station and buildings over 3,000 sf. **PM to add.**
  - b. Use of the RC zone as a fallback – We agree to try to include all items that should be covered in the Regulatory Code, but we would still like the requirements of the Title 9 RC Zone to be in effect for conditions that are not anticipated by the Regulatory Code.**PM to add.**
2. PC comments from 11/6/12 meeting. The PC comments specific to Article IV Permitted Uses Section of Chapter XXX are partially reproduced below (see the formal meeting minutes for the entire response):

The PC indicated that the term “MUC” (mixed use center) was not well explained.**PM to clarify.**

### C. Parcel widths

1. RDG concern about minimum width. 16' necessary for affordable townhomes – **PM to coordinate with RDG to clarify.**
2. Grocery store as shown doesn't comply. **PM will provide a “pre-approved exception” for the grocery store in the next version.**
3. 80% Building coverage of parcel –how calculated?**RDG needs to provide clarification on parcel boundaries to PM. PM to clarify. PM to issue diagrams to illustrate building setback standards.**

D. Principal Building? **PM to clarify – applies to this project?**

E. Building Height - 25 feet from ground level needed? **PM to review.**

F. Frontage Standards

1. Sheetz doesn't comply with frontage standard. **PM will provide a "pre-approved exception" for Sheetz in the next version.** The exception should not transfer to future owners of this parcel. i.e. If the gas station is demolished in the future, the replacement building must follow the frontage standards. This restriction may need to be accomplished as an attachment to the deed. The Zoning Officer again stated his concern that the area between the convenience store and Route 45 is not well used in the current design. This design is based on Sheetz' requirements. Possible gateway to town sign (as proposed by Rotary Club) location and/or Building complex sign. **PM, RDG, RGC to think about better uses of this space other than lawn.** The Sheetz area along the RG road could be used for outdoor eating.
2. Residential stoop reasoning. Provide raised living space above street level to encourage residents to leave drapes open. Note that handicapped access will be provided from the rear of the residential buildings. What is the reason that this section appears to disallow stoop space for chairs/BBQ grilles/etc. ? **PM to review.**
3. Sliding windows not allowed. Is this intended to apply only to horizontal sliders? **PM to review.**
4. Vinyl siding. Historic District Guidelines don't allow but RG will not be part of the Historic District. E. Lewis believes that vinyl siding is needed for economical initial and long-term costs. Should different rules be adopted for building sides facing major streets? Should brick be required for part of the exterior in exchange for the use of VS? **E. Lewis believes that quality vinyl siding installations are possible and will draft suggestions.** The opinion of the full PC is needed for this issue. **S. Ayraud and K. Bragg-Stella to draft the description of the issue to be emailed to the PC. PM to review this overall issue and advise.**
5. 70% shopfront glazing, 25% residential. These are typical national percentages. **PM to review and provide photo examples.**
6. Shopfront awnings. Contrary to the current version, the intent is to encourage, but not require awnings. **PM to revise.**
7. Street Screens. Opaque screens/fences 3 to 10 foot tall are required to fill any unused frontage space. **PM to provide photo examples of these screens. PM to review.**

G. Parking

1. Non-residential: min. 1 space/2000 sf. This is a big change from Title 9 1/300 sf. At the public meeting the SBA expressed concerns about unfair competition at RG with too much parking. RDG pointed out that downtown businesses have made it clear that they do not want Rumsey Green to have too much parking. PM's goal was to set reasonable, but low, requirements. RDG willing

to consider parking maximums. 11/19/12 PC meeting result: Yes – provide maximums.**PM to advise on maximums.**

- a. Grocery Parking – The 150 spaces shown on the concept plan represent the amount likely to be required by a grocery store. This amount far exceeds the minimum which requires 22 spaces. The amount of parking could be negotiated to a lower level when a tenant is finalized.
- b. Sheetz parking – This area is likely overparked.
- c. Diagonal parking at the Green – This area is overparked to allow for the possibility that the gas station will not be included in the project.

2. Residential parking requirement satisfied without street parking? Street parking is intended for guests. The reference to 0.5 street count toward unit requirements may be a mistake. College student tenants may require more parking than designated. **PM to review.**

#### H. Purpose Section of Chapter XXX

PC comments from 11/6/12 meeting. The PC comments specific to Article 1 Purpose Section of Chapter XXX are partially reproduced below (see the formal meeting minutes for the entire response):

*...“Market” in (e): The PC had questions about the meaning of the term. RDG indicated that “market” refers to the real estate market, not a food market. RDG pointed out that one of the goals of the process has been to create something that can adapt to changing needs – that has flexibility and is not set in stone like the typical shopping center. (PC) requests that this concept be clarified and more detailed in the document (especially how this project will be tied into the surrounding area and what flexibility will be allowed). ...The items enumerated under purpose make sense but should be more detailed.... (The PC) pointed out the need for sustainability. (If the market changes, we do not want to have buildings that cannot be another use but must be bulldozed for something new.)...(The PC) expressed her hope that (d) would cover issues such as grid, materials, lighting, look, and feel...*

**PM to clarify these items.**

#### I. Definitions Section of Chapter XXX

PC comments from 11/6/12 meeting. The PC comments specific to Article II Definitions Section of Chapter XXX are partially reproduced below (see the formal meeting minutes for the entire response):

*Article II – Definitions: The PC decided to skip discussion of this article because definitions are customarily dealt with after a document is essentially finished.*

- J. Review of RDG suggested changes to Chapter XXX (dated 10/16/12). No major problems with these proposed changes are identified.

#### VIII. Other Design Issues

- A. Secondary emergency access to the site. Possibly extend Back Alley for emergency vehicle, pedestrians and bicycles? Route thru Remax parking lot? Does the Church have an easement for access in this area? **H. Heyser to check on Church easement. RDG to clarify secondary emergency access roads to be provided.**

- B. Stormwater management

Stormwater management space was not taken into account in the concept plan. RDG said in a previous meeting that stormwater would be accommodated by underground or offsite methods. Possible offsite stormwater disposal to the west of the grocery parking lot has not yet been finalized with the landowner. The Z.O.is concerned about the appearance of a large detention pond adjacent to the large parking lot since its appearance could be considered “suburban”. Design details of such a pond would need to be carefully considered to improve its appearance. Due to the time constraints of the project, RDG may need to assume underground storage which has higher initial and maintenance costs. **RDG to clarify stormwater management on submitted plans.**

- C. Bottleneck at diagonal parking

There is a possibility that drivers backing out of spaces along the Green could backup traffic onto Route 45. **PM to review.**

- D. Service vehicle access

Loading dock access road shown at the grocery store has been designed to allow semi-tractor trailers to back in (albeit with functionality only). It is noted that the trend in grocery store deliveries is as-needed/smaller trucks.

- E. Bank drive-thru

The Bank drive-thru road connection to Highway 45 is intended to be entrance only. **PM/RDG to revise the drive-thru lane queue space to accommodate this traffic flow direction.**It is confirmed that even though this project is intended to be a walkable community, drive-thru access is still required.

#### IX. Process Issues

- A. Clarify the status of the current project parameters. # of residential units, amount of retail/office space proposed? # parking spaces? Typical elevations.

The PC at its 11/19/12 meeting expressed frustration at the lack of specific details presented to date. Are ranges of potential sizes acceptable (see Annexation/PUD discussion below)? Some preliminary information has been submitted (**H.**

**Heyserto get to S. Ayraud)** but RDG wanted to make sure the Regulatory Code was proceeding before making additional submissions.

- B. Review Annexation and PUD submittal requirements and status of submittal. What is critical path?

In the 11/14/12 RGC meeting we agreed that the Annexation and PUD process would proceed concurrently. This means that the submittal requirements in Title 9 for Annexation and PUD should be proceeding in order to meet the schedule above. The noted requirements include: impact statements, proffers, detailed plans, schedule, # of units, utility plans, subdivision plats, maintenance agreements, etc. RDG has been working on these documents. The RGC is willing to review interim documents to keep the project moving forward. **RDG to submit documents as available.**

1. Site environmental issues – is a topographic survey available? A parcel boundary survey was submitted but this doesn't show the items required by Title 9 (topography, water courses, sinkholes, trees 6" or larger in diameter, etc.) **RDG to submit.**
  2. Can a tour of the site be arranged for the RGC? **Next Monday December 3, 2012. 10:00 am.**
  3. Status of Adequate Public Facilities Study – schools, roads/traffic study, wastewater, water. Town committee approvals are needed based on this study. This may be needed ASAP to keep the project on schedule. **RDG to submit.**
  4. Proffer status – Eric believes that many of these should be classified as Regulatory Code issues, not proffers. **The draft proffer list will be reviewed at the next meeting.**
- C. There is a need to know what entities will own, manage, and maintain the common open space. There could be problems with HOA type associations maintaining the Green area. Possibly a Merchant Association? **RGC to review the language in the Title 9 PUD section that addresses maintenance of open space. RDG to make suggestions.**

X. Miscellaneous Issues Concerning existing Title 9

- A. Historic District Design Guidelines are applicable for this area? This project will not be part of the Historic District. It is noted that the Historic Landmarks Commission reviews all projects for acceptability adjacent to the historic district. Also see vinyl siding discussion above.
- B. Big Box prohibition in Title 9-1422. Big Box stores are not defined in Title 9 but are generally felt to be large superstores such as: Walmart, Costco, Best Buy, etc. These are not envisioned for the RG project. The grocery store (approx. 40,000 SF) in the RG project is not believed to fall into the Big Box category.

C. Obstruction at corners Title 9-209. It is noted that the referenced code section was implemented to address sight line issues for buildings/fences constructed near corners. Preliminary review of the proposed streets for RG indicate that 11' minimum public frontage width would satisfy this section of Title 9.

XI. Next meeting. Even though the RGC's primary task of responding to the draft Regulatory Code is complete for the first iteration, we would be willing to continue to meet weekly with RDG to work on other process issues. N. Norris will participate to share interim comments as needed. The next RGC meeting will be December 03, 2012 10:00 am at the project site on Martinsburg Pike. After a site tour, the RGC will reconvene at Town Hall for a regular meeting.

## XII. New Items

- A. Scope of responsibilities for the RGC
- B. Review Action Item Progress
- C. Review draft Proffer list
- D. Review and Respond to 3/24/11 letter from Mark Dyck concerning traffic study and 3/15/11 Annexation Petition from Rumsey Development Group LLC.
- E. Required Committee Reviews as proposed by Z.O. and Mayor

Streets, etc. – Public Works Committee.

Sidewalks, etc. – Public Works Committee.

Water system – Water Board (Phase 1 of the application process requires the applicant to reimburse the Utility to have its consultant engineer review the proposal to determine if the system has adequate capacity.)

Sewer system – Sewer Board (same process as water).

Stormwater management - Public Works Committee with possible PC/RG Committee involvement.

Other public utilities – (garbage collection?) – Public Works Committee

Streetscaping, etc. – Public Works Committee

Schools – Jefferson County School Board via letter obtained by RDG

Impact on roads – Traffic study and review comments from WV DOH as obtained by RDG

Financial Impacts – Town Finance Committee

- F. Open space calculation – should the area around Sheetz be counted?

Submitted by,  
Steve Ayraud - Chair