



**TOWN OF MIDDLEBURG  
PLANNING COMMISSION  
MEETING MINUTES**



**MONDAY, MARCH 25, 2019**

**PENDING APPROVAL**

**PRESENT:** Eric Combs, Chairman  
Donald Woodruff, Vice Chair (left early)  
Terence S. Cooke, Member  
Edward R. Fleischman, Member  
Mimi Dale Stein, Member  
Kevin Hazard, Councilmember

**STAFF:** William M. Moore, Deputy Town Administrator/Town Planner  
Rhonda S. North, MMC, Town Clerk

**ABSENT:** Rachel Minchew, Member

The Middleburg Planning Commission held their work session and regular meeting on Monday, March 25, 2019 in the Town Hall Council Chambers, located at 10 W. Marshall Street in Middleburg, Virginia. Chairman Combs called the work session to order at 6:30 p.m.

**Discussion Items**

**Comprehensive Plan Update**

Deputy Town Administrator Moore noted that he received the Commission's written comments on the draft document and advised that they were thorough; however, there were not a lot of substantive changes. He explained that due to the volume, The Berkley Group was not able to provide an updated document in time for the meeting. Mr. Moore assured the members that they would have it in advance of their April meeting.

Deputy Town Administrator Moore reminded the Commission that the Virginia Department of Transportation (VDOT) must review the plan and advised that it was sent to them on March 8<sup>th</sup>. He noted that they had ninety days to complete their review.

***Land Use Map & Federal Street Concept Plan***

Deputy Town Administrator Moore reported that changes have been proposed by the staff to the draft Land Use Map since the Commission last saw it. He explained that they related to the Fun Shop property, which was currently on the market, and some parcels of land that the Windy Hill Foundation had or was in the process of acquiring. Mr. Moore reminded the Commission of the changes that were already proposed for mixed use development on the south side of Federal Street. He advised that changes were also being proposed on the western end of town to allow for higher density residential in the area near the Levis Hill House. Mr. Moore noted that the approximately two acres was currently designated for medium density residential. He explained that the higher density would be at a rate of a maximum of ten units per acre and would consist of multi-family housing. Mr. Moore advised that the Windy Hill Foundation did not request the changes; however, he believed this was a good time to introduce them as they were already on the Town's radar.

The Commission expressed concern about the lack of pedestrian access on the Levis Hill House property. They held some discussion regarding access in general.

Deputy Town Administrator Moore reminded the Commission that the change would not change the zoning and that issues such as access could be addressed during the rezoning. He advised that the Windy Hill Foundation has acquired an access easement for the benefit of the two eastern parcels; although, he noted that he had not yet reviewed it to determine whether it complied with the minimum width required for a public right-of-way.

The Commission opined that it was premature to show a change to the land use for these parcels, which were almost landlocked, without more information on access. They asked that the land use plan be left as it currently was; however, they agreed that they may consider amending it before the Plan's adoption if they received additional information to support the change.

The Commission held some discussion regarding the proposal to show mixed use development on the Fun Shop property. They noted that their previous discussions centered on the south side of Federal Street and expressed concern about identifying one location on the north side for mixed use development. The Commission agreed to revisit the north side of Federal Street from a holistic approach to determine what made sense during their next work session.

Chairman Combs adjourned the work session at 6:56 p.m. (Vice Chair Woodruff left the meeting). He called the regular meeting to order at 7:00 p.m.

### **Disclosure of Meetings with Applicants**

No meetings were reported by the members.

### **Public Comment**

An unidentified woman asked how the Planning Commission could hold a public hearing when everyone could not get into the building.

Chairman Combs advised that this highlighted the issues with the existing Town Office building that were currently before the Council. He noted that the Town did the best it could with what was available. Mr. Combs advised that the meeting was being video recorded and noted that there would be a transcript available for those who could not get into the room.

Deputy Town Administrator Moore opined that the size of the crowd was predicated on a mailer from the applicant, which the staff was not aware of in advance. He suggested that, unless an individual wanted to stay for the entire deliberation, they leave the room after making their comments so others could then enter.

### **Approval of Meeting Minutes**

*Councilmember Hazard moved, seconded by Commissioner Cooke, that the Planning Commission approve the February 25, 2019 meeting minutes as submitted.*

Vote: Yes – Commissioners Combs, Cooke, Fleischman, Stein and Councilmember Hazard

No – N/A

Abstain – N/A

Absent – Commissioners Woodruff and Minchew

## **Public Hearing**

### Comprehensive Plan Amendment 18-01: P. Daniel Orlich

Deputy Town Administrator Moore provided a history of this request. He explained that the Commission began discussions with the applicant in January of 2018 after he submitted a rezoning and a special use permit application for an assisted living facility on the east end of town. Mr. Moore noted that those applications were premature, with the largest deficiency being the lack of conformance with the Comprehensive Plan. He advised that the applicant ultimately withdrew his applications, changed his plan to an independent living facility and submitted a request for amendments to the Comprehensive Plan that would support amending the zoning ordinance to include a definition for an independent living facility, removing the limit on the number of units allowed and allowing independent living facilities in the AC District as a special exception. Mr. Moore noted that the applicant previously provided a graphic of what the facility would ultimately look like and advised that it would contain one hundred units; however, he stressed that this was not what was before the Commission. He acknowledged this was the applicant's ultimate goal and that the requested Comp Plan amendments would set the stage for it. Mr. Moore explained that the Planning Commission would forward a recommendation on the Comp Plan amendments to the Council for their consideration.

Chairman Combs reminded the audience of how a public hearing was conducted and the rules associated with it.

Dan Orlich, of Vienna, VA, the applicant, noted that he was a builder. He opined that the current Comprehensive Plan referenced that senior housing may be appropriate in the conservation zone. Mr. Orlich advised that he had a parcel of land on the east end of town under contract and, if everything was approved, he planned to construct a one hundred unit independent living facility. He reviewed some of the references in the current Comprehensive Plan related to considering several smaller scale independent living facilities adjacent to the town, with senior housing in the town; that they should be near the established part of the town so they would be an integral part of it; and, that a variety of housing should be encouraged that were tailored to meet the needs of seniors.

Mr. Orlich reported that he had an engineering study done for the property and opined that the slopes were manageable and that they could cross the stream. He further reported that he had a traffic study done that showed the project would not produce a burden on the Town's streets.

Mr. Orlich advised that he was asking for four changes to the Comprehensive Plan – (1) the addition of a definition for an independent living facility; (2) allowing independent living facilities by special use permit in the Agricultural-Conservancy (AC) District; (3) limiting the location to where an independent living use could apply to his site; and (4) removing the limitation on the number of units that would be allowed.

Dr. Joseph Jabbour, 22071 Sam Fred Road, opined that the mailer that was sent out by the applicant was disingenuous as it suggested that if someone was opposed to the project that they were opposed to senior housing. He questioned why a resident of Vienna would purchase property in Middleburg with the presumption that he could do this commercial project.

Bridge Littleton, 5 Orange Drive, expressed concern about redefining the AC District to allow for an unlimited number of units. He noted that this was not about senior housing, but was an issue of density and the type of development the Town wanted in the AC District. Mr. Littleton expressed concern about approving an amendment to the Comprehensive Plan at the request of one individual for one project and reminded the Commission that any change would affect all properties in the AC District. He opined that the scope of the proposed development was not in compliance with the current or the proposed plan.

Mr. Littleton noted that the applicant previously stated that no senior housing had been constructed in Middleburg since the Comprehensive Plan was adopted; however, he reminded the Commission that the Levis Hill House was constructed in 2009, that it was for seniors age sixty-two and older and that it met all of the goals in the Comprehensive Plan in that it was the right size for the community.

Bud Jacobs, 134 N. Jay Street, Chairman of the Town's Wellhead Protection Advisory Committee (WPAC), agreed with a previous speaker's remarks regarding the mailer. He noted that the WPAC was responsible for protecting the Town's groundwater and was particularly sensitive to both its quantity and quality. Mr. Jacobs noted that the impact of development on the Town's wells' recharge area was unknown. He advised that the proposed location did not drain well and expressed concern about having cars parked on non-impervious surfaces. He opined that it was not a good use of agricultural land and noted that once it was gone, it would be gone forever. Mr. Jacobs expressed concern about the impact of a couple hundred new residents on the area's water supply.

Jilann Brunett, 21854 Foxcroft Road, a member of the WPAC, appeared before the Commission in opposition to the change in the land use in agricultural areas. She expressed concern about the impact of an increased population on the Town's water supply. Ms. Brunett noted that the facility would provide laundry services and expressed concern about the impact on the sewer system. She opined that it was inappropriate for a town the size of Middleburg to be asked to pick those up. Ms. Brunett encouraged the Planning Commission to deny the request.

Brett Miller, 36789 Homewood Lane, advised the Commission that he was one hundred percent in favor of the request and noted that he had a petition signed by eighty plus locals in support of it as well. He acknowledged the Levis Hill House; however, he advised that they did not have any rooms available. Mr. Miller opined that this project was an incredible opportunity for the town and encouraged the Planning Commission to approve the request and to continue to work with the applicant.

Darlene Kirk, Sycamore Street, a member of the Town Council, noted that the Council recently met with Mr. Orlich. She reported that the Council followed that meeting up with a letter thanking him but saying "no thank you" as this was not something the Town wanted. Ms. Kirk questioned how putting a huge building on property that was zoned for conservation was conserving anything and opined that it was a bad idea. She noted that there were twenty-two uses allowed by special use permit in the AC District and advised that Mr. Orlich could have picked any one of those uses for the property. Ms. Kirk reiterated that this project was not needed or wanted and suggested it would be an eyesore.

Aleco Bravo-Greenberg, 22962 Carters Farm Lane, advised the Commission that he was speaking on his behalf, as well as that of a friend who could not attend the meeting. He noted that her opinion was that she would not like to see the changes implemented. Mr. Bravo-Greenberg advised that as to himself, he thanked Mr. Orlich for his offer; however, he was concerned about the precedent that would be set in the AC District by the change. He suggested the need for a thorough discussion of the request.

Heather Taylor, 6432 Halfway Road, advised the Commission that she had been a resident of Middleburg for fifty years. She asked that they consider allowing senior housing on a smaller scale, such as twenty-five units. Ms. Taylor advised that she would one day need senior housing and did not want to move from Middleburg. She reiterated her request that the Town work with the developer.

Chris Randon, 120 N. Jay Street, Secretary/Treasurer for the Steeplechase Homeowners Association, advised that their board polled the nineteen property owners within their subdivision and reported that fifteen responded and all were opposed to the plan amendments. He further advised that they all noted the importance of the AC District. Mr. Randon agreed with Mr. Littleton that once the green space was gone, it was gone forever and advised that the residents in the Steeplechase Subdivision valued the green space. He expressed concern that if the request was approved, it would only encourage more requests for exceptions. Mr. Randon expressed concern about the impact of this development of the Town's utility

systems. He questioned whether the Town had the capacity to handle it and who would pay to extend the utility lines to the property. Mr. Randon opined that seniors were attracted to housing that was closer to doctors and medical facilities. He expressed concern about the traffic hazard associated with the project and opined that the facility was too large for this area. Mr. Randon noted that it would bring one hundred to two hundred people into Middleburg, which could have a negative impact on and change the dynamics of the community.

Don Skelly, 37318 John Mosby Highway, noted that he had been a developer for over twenty years and advised that he objected to the project. He expressed concern about amending the Comprehensive Plan in this manner and opined that it could open the door to a myriad of other uses. Mr. Skelly noted that the Town did not know what could come in the future. He expressed concern about traffic and noted the number of commuters who traveled through the area during peak hours. Mr. Skelly advised that this was not just about this project but was about future ones.

Ray Morales, 12 Orange Drive, appeared before the Commission in opposition to changing the Comprehensive Plan for this project.

Miguel Diaz, 12 Orange Drive, appeared before the Commission in opposition to changing the Comprehensive Plan. He advised that when he moved to Middleburg, it was for its pristine environment and expressed hope that the Town could preserve what it had.

Kathyjo Shea, 21854 Foxcroft Road, noted that she previously served on the Town Council. She advised that she supported senior housing and noted that the town had an aging population. Ms. Shea further advised that she did not support the way this was being proposed or the place. She suggested the Council should set up a committee to study how the Town looked at senior housing in the future. Ms. Shea opined that it should not be done by changing the current plan, especially at the risk of having development surrounding the town. She noted that the County was already trying to do so and advised that the Town needed to hold onto its boundaries.

Brett Miller attempted to speak a second time; however, Chairman Combs noted the need to allow others in the room to give their first comment. Deputy Town Administrator Moore noted that once everyone who wanted to do so had had the opportunity to speak, Mr. Orlich would be allowed to provide a rebuttal.

Adam Im, 11 Hunt Court, advised the Commission that he was a board member on his homeowners association. He advised that he had not heard anyone in his subdivision or the adjacent one who was in favor of this request. Mr. Im noted that this property was what people saw when they came into town and advised that it formed their first impression of Middleburg. He noted that Middleburg was about preserving nature and expressed concern that the wildlife in this area would be affected. Mr. Im suggested the Commission should consider the appearance of a large structure at this location.

Olivia Grass, of The Plains, noted that adding two hundred people would increase the town's population by one-third. She suggested this would impact voting in Middleburg.

Danielle Anderson, 1728 Zulla Road, advised the Commission that she was a new resident and noted that she made a concerted effort to move to Middleburg. She opined that it was unique due to its rich history and feel and advised that there were few places left from colonial times that were so beautifully preserved. Ms. Anderson opined that if this exception was granted, Middleburg would look like other areas. She noted that she would be eligible to live in an independent living facility in six years; however, if this facility was here when she was looking to move, she would not have as it would not fit with Middleburg. Ms. Anderson advised that she volunteered in the land preservation community and stressed the need to keep the area green.

Tim Clites, 37066 Adams Green Lane, noted that he was a current member of the HDRC and a former member of the Planning Commission. He advised that when he first moved to Middleburg, his most important experience as a young family was his senior neighbors, who became like grandparents to his children. Mr. Clites advised that he was supportive of seniors. He noted that during his tenure on the Planning Commission, the members prided themselves on the fact that they would sweat the details. Mr. Clites opined that the Commission knew what could be problematic and suggested they needed to look at the impact of this request on the entire town. He encouraged the members to take their time in doing so.

Todd Phillips, 400 East Marshall Street, advised that as an architect, he was acquainted with senior housing. He opined that the proposed development was a “Trojan horse” that was suggestive and vague. Mr. Phillips further opined that the Commission had a good sense of its physical impact and suggested it would be challenging for seniors to climb the hill to get into town. He suggested that unless the details of the project were brought to light, this request was a recipe for disaster. Mr. Phillips opined that it would change the character of the community. He urged the Commission to be skeptical and to take a hard look at this request.

Lindsay Watts, 406 East Washington Street, noted that she lived one block from the property. She advised that she moved to Middleburg due to its green space and was opposed to this project.

Mr. Orlich advised the Commission that he filed his application because the Comprehensive Plan said that the seniors’ needs were not being met and opined that nothing had changed. He reiterated that as filed, his application would restrict the changes to this one tract of land. Mr. Orlich opined that public hearings were good in that they allowed the Commission to hear the concerns, which may allow them to consider some revisions and advised that this would be fine.

There being no further speakers, Chairman Combs closed the public hearing and recessed the meeting for three minutes. He called the meeting back to order at 8:10 p.m.

Deputy Town Administrator Moore advised that the members had a letter on their desk from the Piedmont Environmental Council that was submitted late in the day, as they were unable to attend the hearing. He noted that the members had the benefit of his staff report. Mr. Moore advised that the mailer that was sent out by the applicant stated that no senior housing had been built in Middleburg since the Comprehensive Plan was adopted fourteen years ago. He reminded the members that the Levis Hill House was senior housing that was constructed during that time frame, that it complied with the number of units identified in the zoning ordinance, that it was successful and that it was in keeping with the scale the Planning Commission was seeking. Mr. Moore noted that Mr. Orlich also referenced the economic benefits of his project, including the meals tax revenue that would be generated, in his materials. He reported that the Virginia Code exempted these types of facilities from paying meals tax; therefore, there would be no economic benefit in that regard.

The Commission held some discussion regarding the current limits on assisted/independent living facilities. They expressed concern that this was not the appropriate time to amend the existing Comprehensive Plan as they were in the process of developing a new one. The Commission noted the importance of maintaining the AC District and opined that it was not the right location for senior housing. It was further noted that the Commission’s thoughts were reinforced by the public’s input during their Comprehensive Plan update sessions. It was suggested that what was being proposed was inconsistent with that input and with what the Commission was doing with the Comprehensive Plan.

*Councilmember Hazard moved, seconded by Commissioner Fleischman, that the Planning Commission forward Comprehensive Plan Amendment 18-01 to the Town Council recommending disapproval for a number of reasons, including (1) the proposal to add Independent Living as a Special Exception Use in the A-C District is inconsistent with the stated purposes of the A-C District in the Zoning Ordinance; and (2) the proposal effectively limits the applicability of Independent Living to one parcel of land, and*

*development of that particular parcel with such a facility would be inconsistent with the stated purposes of the A-C District in the Zoning Ordinance and with the property's designations for Conservancy or Targeted Use and Open Space in the Comprehensive Plan.*

Vote: Yes – Commissioners Combs, Cooke, Fleischman, Stein and Councilmember Hazard

No – N/A

Abstain – N/A

Absent – Commissioners Woodruff and Minchew

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Deputy Town Administrator Moore advised the audience that the Commission acted as a recommendation body to the Town Council. He further advised that the application would be forwarded to the Council, who would repeat the public hearing process.

Chairman Combs asked that the staff keep the Commission informed as to the date of that public hearing.

### **Council Representative's Report**

Councilmember Hazard reported that during its last meeting, the Council approved an amendment to the Historic District Guidelines to the affect that murals were not in keeping with the Historic District. He further reported that they approved a contract with Davenport to provide financial services that would help the Town focus on what could happen during an economic downturn so it could be prepared when that occurred. Mr. Hazard noted that the Council also discussed a request from Old Ox Brewery to remove the tree at 14 South Madison Street.

### **Discussion Items**

#### **Schedule Comprehensive Plan Update**

Deputy Town Administrator Moore advised the Commission that he consulted with The Berkley Group on the timeline. He reminded them that they hoped the Comp Plan could be adopted in July or August. Mr. Moore advised that he was proposing to get an updated draft of the plan to the members as soon as possible so they would have time to review it before their April meeting. He expressed hope that they could flesh out any remaining changes at that time and would be ready to present it to the public during an open house in May. Mr. Moore suggested this could be done in lieu of the Planning Commission's regular meeting. He recommended a special work session then be held in June so the Commission could review the results of the open house. Mr. Moore suggested they then hold a public hearing during their June 24<sup>th</sup> meeting and forward a recommendation to the Council at that time. He reminded the members that this schedule assumed that only minor revisions would be needed. Mr. Moore opined that if the Commission was not able to maintain this schedule and did not make its recommendation to the Council until July that the Council would accept it.

The Commission agreed they would like to maintain the schedule if possible. They noted that, otherwise, it could push the open house into the summer months. They agreed to hold additional work sessions if needed in order to maintain the schedule.

#### **April Meeting Quorum**

Those members who were present indicated they would be present for the April meeting.

There being no further business, Chairman Combs adjourned the meeting at 8:33 p.m.

RESPECTFULLY SUBMITTED:

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Rhonda S. North, MMC, Town Clerk

**Middleburg Planning Commission Transcript**  
**March 25, 2019**

**(Note: This is a transcript prepared by a Town contractor based on the video of the meeting. It may not be entirely accurate. For greater accuracy, we encourage you to review the video that is on the Town's website – [www.middleburgva.gov](http://www.middleburgva.gov))**

**Eric Combs:** We will be taking up at our regular meeting before that begins roughly around 7:00. [inaudible] a work session with a few agenda items we're just going to knock out quickly. So if you'll pardon us, we'll try to tackle that quickly. Why don't we get started and before we do [inaudible]. Rhonda can we start with you?

**Rhonda North:** Rhonda North Town Clerk.

**Ed Fleischman:** Hi, Ed Fleischman.

**Mimi Stein:** Mimi Stein.

**Eric Combs:** Eric Combs.

**Terry Cooke:** Terrence Cooke.

**Kevin Hazard:** Kevin Hazard.

**Don Woodruff:** Don Woodruff.

**Will Moore:** Will Moore deputy town administrator.

**Eric Combs:** Great. Thank you, everybody. So first item of business in our work session will be the comprehensive plan update. Will I take it you received comments on the first whole draft of the comp plan, as we indicated in our last session?

**Will Moore:** We did. And thank you to all the commissioners. Commissioner Minchew, as well as she is absent this evening. We did receive written comments from each of you individually by that deadline that we had said they were very thorough. We have forwarded those on to the Berkeley Group. I've had a few discussions with Todd myself about what to do with synthesizing some of those comments. Fortunately, I wouldn't say that we had many that were contrary to one another. Also, as thorough as they were, not a lot of really substantive things. In other words, we're not seeing any major changes to policies that you have proposed to be incorporated in the draft at this point. But a lot of comments regarding graphic content, some wordsmithing a good bit and a few areas that will merit some follow up discussion. The Berkeley Group, however, due to the volume of those comments, was unable to get a draft in time for you to have any advance review for this meeting. So we're pushing them to get that to us as soon as possible, as soon as I get that updated draft, even if it were to be later this week. I will get that out for you. So you have plenty of time to review. Compare with your comments, your previous comments, if you want, in advance of your April meeting.

**Eric Combs:** Great. Thank you. I figured the task at hand in terms of synthesizing all the various comments would be cumbersome, so I'm not surprised to hear that update from Berkeley Group. So the next step with them will be to see a revised draft. Todd will be coming in connection with that revised

draft or are we simply to take that into consideration and provide any further feedback and whatnot and then sort of cycle through the next round?

**Will Moore:** I anticipate that Todd will be present the next time that you have an updated draft for your April meeting. I will say that actually subsequent to your February meeting, we did get an interim draft that only addressed a couple of required elements that must be included for VDOT's review. So VDOT has to be given the opportunity to review a comprehensive plan. There were a couple of elements just pertaining to maybe an overall cost estimate for some of the transportation infrastructure that was being proposed that was added subsequent to you looking at that. And we did get that draft to VDOT to begin their timeframe. They have up to 90 days to complete that review. So we needed to get that to them as soon as possible. So that's in their hands as of March 8th.

**Eric Combs:** Great. Thank you Will. you sent us a markup of the land use policy map in concept plan. Should we jump? [multiple speakers]

**Will Moore:** These are these microphones are for recording purposes only. They are not for amplification. Sorry. [inaudible]

**Eric Combs:** I'd be happy to. Will, you sent us some materials on the land use policy map and the concept plan markup. Shall we jump right into those?

**Will Moore:** Yes, I would suggest that.

**Eric Combs:** OK. So we have before us it looks like just that the land use policy map with, I believe some changes since the last version we saw.

**Will Moore:** So just a couple of areas for your discussion. And these were generated from staff and in coordination with some discussions that have been happening with both the Windy Hill Foundation as well as the current owners of the fun shop properties. So I just two areas for you to consider the draft land use policy map that you had, the Berkeley group based that for the most part on our existing land use policy map, a couple of tweaks, most notably the inclusion of the call for mixed use on the south side of Federal Street, but two areas that I wanted to bring. Further for discussion and if you would like. There are two areas that are highlighted on that plan. One is toward the western end of town. It sits in behind the Levis Hill House. There are two properties, one which has a residential use the westernmost as well as a vacant, dilapidated residential dwelling. And then the other one, which is the eastern of those two properties just has, again, a vacant, dilapidated building. The Windy Hill Foundation has already acquired the eastern of those two properties. And they are in some discussions with the current property owner of the Western of those two. The current land use policy map in your existing comprehensive plan, as well as this initial draft designated those two properties for medium density residential. Windy Hill is interested in possibly doing a more high dense residential development on the parcel that they already own and if they are successful in acquiring the other one. So just wanted to to bring that to your attention. What we call high density residential is a maximum of 10 dwelling units per acre with multifamily use. So it's not as as dense as multifamily might be in more urban areas, but it is our highest density. And just maybe get some of your thoughts. It is bordered by existing high density residential uses. Again to the south is the Levis Hill multifamily complex. The age restricted one and to the west and north are multifamily uses as well. And if the commission had any thoughts maybe on those those two parcels to consider for possibly calling for high density as opposed to medium density residential.

**Don Woodruff:** Will can you remind us of the size of those two pieces of property approximately.

**Will Moore:** Combined they are right around two acres.

**Eric Combs:** And Will is the requests coming from the Windy Hill Foundation to perhaps get a change in the land use policy map or is it just something that's arisen in light of the conversation.

**Will Moore:** I had a discussion as recently as Friday with the executive director. They had not specifically made that request, but it was the discussion was more so for potential for development. And this was something that was already on our radar, as a possibility for redevelopment of these two parcels. And with that discussion on Friday, I thought it was a good time to introduce this to you as well.

**Kevin Hazard:** So the one parcel's that outlined for high dense and then you said Windy Hill, are they also trying to do something with the parcel that's on 50?

**Will Moore:** No. So sorry what you see outlined there are the two parcels together. There is a boundary line that doesn't show. This doesn't include property lines, but it separates two of those buildings that you see on the property.

**Kevin Hazard:** So it would be contiguous with Stonewall Court and Levis House?

**Will Moore:** Correct.

**Eric Combs:** Please.

**Ed Fleischman:** Eric, one of the concerns I have is that there is enough access to the property, and I think that if we're building a residential senior citizen as such, there should be the possibility of walkability. And when I looked at the current Windy Hill Foundation properties, I was really surprised that their property that is next to the rescue and fire department. It's multifamily, it's a big development. Have a parking lot and they have buses going in and out of it, but they don't have a sidewalk going down to Route 50 where there is an existing sidewalk along Route 50 that leads into the downtown. So I think that before moving ahead on this, we ought to consider does it have walkability and is it too far removed from access? And Will maybe you know a little about the history, but on the. When they built the larger building there and didn't have a sidewalk connection, was there any discussion I may have been before your time but do the records show there was any discussion about a sidewalk hub?

**Will Moore:** It was before my time and I've not been able to find any record of that as a discussion element. What I will say is, well, two things. That's an excellent point. If you were to propose this amendment to the land use policy map, this does not change the zoning of the property. So that would set the stage for a potential rezoning request in the future, at which time the subject of proffers could be included, which might include some off-site improvements, pedestrian connections, and then a site plan for the property would eventually have to come in. If there were to be development and we could ensure at that time that pedestrian appropriate pedestrian connections were included. So just understanding what we're talking about right now is in the comprehensive plan, which is general in nature, just the land use future land use designation, not actually applying zoning at this time.

**Eric Combs:** Thanks, Will. [inaudible]

**Don Woodruff:** Yeah. Speaking of sidewalks, my pet concern that matter Ed brought up at the time. Having I think I was born in this room having been here that long. It certainly was discussed thoroughly. And there was a rationale that the residents of Levis House would not be using sidewalks. And therefore it was it became a moot point at that time because it was not put into the plan. I must say that I opposed it and was on your side on this and hope that we can rectify that in the future.

**Eric Combs:** Thanks Don. Will, I wonder, we have a sidewalk connectivity map or plan that I don't have in front of me. Do you know offhand whether that connectivity map touches either of those parcels at all? I would imagine not. Another opportunity for us to address it.

**Will Moore:** I don't believe it does. But that map generally shows planned connections public connections in the public right of ways and not necessarily extending on to private properties. But that's something we can certainly revisit. And this, I think, is a glaring deficit, not having a sidewalk clear and to the point. It's not a good planning principle to simply say because the intended residents or patrons of a certain place might not use a sidewalk. But there are employees that if they lived locally, they might walk to work. And so having a sidewalk connection is always good.

**Kevin Hazard:** You know, looking at this parcel. It's almost landlocked, and I think before we say that we're going to turn this to high density. We figure out a way. You know, Ed, I thought Ed brought up an excellent point. You know, before we change something here, we've got to figure out how to get people in and out of the property.

**Will Moore:** So yes and no. Again, I go back to the point that this is a concept in nature and those are things that are generally addressed, those specifics at a later point. But I will point out to you that of the cul-de-sac or circle, if you will. It doesn't terminate at Windy Hill Road. So if you go back Windy Hill Road, there becomes a traffic. Essentially what looks like a cul-de-sac, except that goes through to their multifamily housing in the rear. An access easement has been obtained for the benefit of the eastern of these two parcels across the western of the two parcels. And that western parcel connects down to that cul-de-sac. So there has been an easement already granted to allow access into both of these properties. I have not had the benefit of reviewing that easement. Does it comply with the minimum width for a public right of way that might be necessary or for a private access way? I've not had the benefit of reviewing that. But Bob Dale of Windy Hill did inform me that they were successful in acquiring that easement. So there is at least one potential means of access from Windy Hill Road in the future.

**Ed Fleischman:** So, Eric, listening to the conversation here, I think it might be premature then to change the draft comprehensive plan to make this change until we get further information about it and it could be brought up if they give us further plans at a later date with a planning amendment in the future, or if they get the information to us before the plan is approved, it can be included in the plan. But I think it should be deferred until we get more information on the access and sidewalks information. Thank you.

**Eric Combs:** Thanks Ed. Will, what are we as a planning commission looking to do with this concept plan tonight? Is it set for any sort of action or just?

**Will Moore:** It's not. I just wanted to have a discussion as you're reviewing your entire draft plan. This was one area that I saw that might merit the type of discussion we're having right now. So you could just give me general direction as to whether you want to leave it as is as Ed suggested. But with the possibility of maybe amending it before the adoption of the plan, if you get some additional information that that's certainly good direction.

**Eric Combs:** Sure. And similarly, with respect to the other parcel marked on your plan here, the potential mixed use. Is that I guess similarly set up just for conversation tonight, or are we just looking to see whether we embrace a potential change as we move forward with the draft plan?

**Will Moore:** Right. So the mixed use designation is certainly a it is the biggest probably change right now in your draft plan. The incorporation of a mixed use designation. It has been applied in the draft policy map exclusively to the south side of Federal Street, with the exception of the mixed use area that is already designated in your current plan on the Salamander property. So the question is whether you would be willing to consider extending that newly created policy area to the north side of Federal Street solely in that one location. And that really that has to do with potential redevelopment that is. It's not necessarily forthcoming, but it's more more potential there than anywhere else on the north side with those properties being currently marketed. And we have had some conceptual discussions at a very high level with

potential developers about what they could do with those, particularly the two residential properties that face on the Plains Road right now.

**Eric Combs:** And I was just referring back to some of the conversation we had about Federal Street in connection with the land use chapter and how that dovetails with any of the dialogue we had regarding the thoughts for that particular portion of Federal Street. Are there any other thoughts on the planning commission with respect to extending that mixed use? Terry, please.

**Terry Cooke:** I just note I mean the current marketing of that site does indicate that it is mixed use right now. So that's aspirational.

**Will Moore:** It is. Well it's aspirational in that the current zoning actually C2 does provide for a limited component of mixed use. You can have a couple of dwelling units above us, a storefront for example. So they're not being disingenuous necessarily in marketing it that way. But this designation and probably forthcoming zoning text amendments based on this plan, if it's adopted as such, might open up what mixed use means to it to a broader definition.

**Ed Fleischman:** So Eric on this particular parcel, I think as you mentioned about our discussions on Federal Street is being sort of a developed future development site. It would make sense for me to allow some mixed use on that property because it does front on Federal Street and we're talking about a build out of a plan in 10 20 years in the future. So I wouldn't see any problem with showing that as a higher density on our draft plan.

**Eric Combs:** Thanks Ed. Yeah it does seem consistent with at least what we've been talking about on Federal Street there with all of that mixed use on the south side. I note also in the other map that you provided us we had to identify two building. Are those two new building opportunities on that parcel or had they been in the previous draft?

**Will Moore:** They had not been in the previous draft. That is. And again just like all of the other kind of purple outline buildings that you see on that this is purely an aspirational plan. It's not necessarily calling for two buildings to be built parallel like they are shown there. It's simply this concept plan that accompanies your land use policy map is intended to show to potential developers that you would be open to considering things other than what are already there. So other than maybe reuse of existing structures. So again, we're going to enhance some of the text that accompanies this exhibit to further emphasize that point that just because you see a footprint here doesn't mean that is the footprint that we want for that property. It's just showing openness. Correct. Yes.

**Eric Combs:** Okay. Thanks. And I see on that second page that we have some overlay of the proposed sidewalk connectivity there, which is helpful to see on the western portion of that parcel. Kevin, did you have?

**Kevin Hazard:** You look at the map and it's. I mean, that's part of the downtown C2. And I don't personally don't see any reason to just pull one parcel out of that whole block and say that this is OK for seat for mixed use. All of our talk we were talking about the other side of a federal. Not that side of federal, I would think we would not do it. And that doesn't stop somebody from coming later and asking for it to be done. But I always hate to see take a block or a parcel and you'd make that change. That opens up the whole.

**Will Moore:** Yeah it is a creeping point to cross you know like you said, everything that we've discussed to this point has been on the south side. So again, that's why I wanted to have this conversation with you rather than have Berkeley just insert this.

**Eric Combs:** Yeah. I would agree that we perhaps just revisit the north side of Federal Street a little more holistically. And see whether that makes sense with the larger discussion regarding Federal Street. But I think between that the two parcels that you've noted, they're both items for us to continue discussing as we worked to finalize the policy map. Any other comments? So do we feel we need more information with respect to the Windy Hill parcel? It seemed. Will I guess I'll defer to you as to what else we can provide for to make right for a conversation on that parcel. And with respect to the Federal Street One, I think we have enough information before us from our earlier dialogue about Federal Street to take that up again, perhaps in our next session.

**Will Moore:** Okay. We can do that.

**Eric Combs:** Okay. Certainly. Any other comments on the comp plan before we move forward? So Will in terms of timing. We will get a revised draft of the plan as a whole. And should we start looking at when we want to set the next session public input session on that draft plan?

**Will Moore:** Yes. And I do have a discussion later on your regular agenda after the public hearing. And with kind of a proposed timeline that we could go over. But certainly one of the key elements of that is going to be getting you to agree on a draft plan that you're ready to present to the public and doing kind of an open house public input session on that draft before you would take final action to make a recommendation to council.

**Eric Combs:** Ok. Any other items you think we should take up in our work session? I know we have a few minutes here before 7 o'clock. I think we perhaps maybe want to give everybody a little break before we jump into the regular meeting at 7:00. OK. So unless there's anything else, we'll close out the work session and then. [multiple speakers] Great. Thank you, everybody. All right everybody, we're gonna get started with our regular meeting here being shortly after 7:00. Why don't we go ahead and get going here. Rhonda we do not need to re sync the microphones is that correct? Okay, great. Why don't we start here? Why don't we get started with just going around the dais? Has anybody had any meetings with any applicant since we last met?

**Will Moore:** Ladies and gentlemen, we're gonna have to ask you not talk to each other during this meeting? I think that will help go a long way for you being able to hear what's coming from the members of the commission at the dais. Thank you so much.

**Eric Combs:** Ed why don't we start with you. Disclosure of meetings with any applicants.

**Ed Fleischman:** I had no meetings, Eric, with applicants.

**Mimi Stein:** I've had no meetings with any applicant.

**Eric Combs:** Same here. No meetings.

**Terry Cooke:** I've had no meetings with applicants.

**Kevin Hazard:** None.

**Eric Combs:** Great. Thank you everybody. We're gonna have an opportunity to open the public hearing and take comment with respect to the application that is before the Planning Commission. Apart from that are there any public comments either generally or specifically from anybody in the audience tonight?

**Unidentified Lady:** [off mic]

**Eric Combs:** Thank you for that comment. I think it highlights something that's presently before the council in terms of increasing the town office space. We do the best we can with what we have at the moment. And the meeting is being recorded. There's a transcript that it will be available as well as a video to the extent people cannot get in the room. We invite people to participate at least by viewing online and then submitting any comments after the fact. But that's Will unless I'm mistaken. We don't have any further accommodation opportunities.

**Will Moore:** We don't at this moment. Again we have space limitations when we can proactively anticipate large crowds sometimes we can make other arrangements. This I think the size of this crowd was much predicated on a distribution of a mailer from the applicant that we were not aware of in advance. So we apologize to the point that we can't accommodate you more comfortably in here. The other thing I would add to what the chairman said is if you are here just to give your comments you could do that. And if you were able to then unless you want to stay to hear the commission's deliberation if you want to make your comments and then step out so that somebody else could maybe make their way in that would be much appreciated for anybody who might want to do that.

**Eric Combs:** Thank you, Will. And we of course will keep the public hearing open so that everybody has an opportunity to comment. But to the extent folks can make space please do so. Any other public comments unrelated to the public hearing item? Ok. Thank you. We have before us Rhonda thank you for the minutes of our February meeting. Are there any comments, additions edits criticisms of the draft minutes? Kevin.

**Kevin Hazard:** I was just going to move the we accept the minutes as submitted.

**Terry Cooke:** Second.

**Eric Combs:** All in favor.

**Everyone:** Aye.

**Eric Combs:** The ayes have it. Thank you. Okay. Well let's get to the subject matter that everybody is here for tonight. We have comprehensive plan Amendment 18O1 privately filed the request of Mr. Daniel Orlich for amendments to the town's comprehensive plan data 2005 revised in August 2007. Before we open up the public hearing. Will would you like to give us a little bit of status update and background with respect to the application?

**Will Moore:** Certainly. Thank you. And please bear with me. Many of you may not know the specifics of this. We will try to give it to you as best we can without you having something in front of you. Although I do see that the applicant has distributed some text to you so hopefully that will be helpful. The Planning Commission started engaging with the applicant in January of 2018, so a little over a year ago when he filed two applications with the town, one for rezoning of a parcel of land on the east side of town and another one for a special use permit to do an assisted living facility on that very parcel of land. Those applications were a bit premature had some notable deficiencies. And we started working with that applicant on those applications. The biggest deficiency was lack of conformance with the towns adopted comprehensive plan. So over the course of several months, many discussions with the applicant and or his representative, he switched kind of midstream from the idea of doing an assisted living facility to an independent living facility really just has to do with a difference in the level of care that might be offered at a facility. And we started more in-depth discussions about potentially amending our adopted comprehensive plan. What that takes. The manner in which you apply for an amendment to the comprehensive plan that may in turn support rezoning of the property or amendments to our zoning ordinance, things that could possibly clear the way for him to pursue the development that he was interested in. So late last year, he withdrew those previously filed applications as they were not in conformance with our plan and he subsequently filed the application. That is before the commission this

evening. And that is a request to amend our existing comprehensive plan to do a few things. The request is to amend the text of our comprehensive plan that would in turn suggest our zoning ordinance be amended to include a definition for independent living. Also to remove certain limitations on dwelling units associated with assisted living facilities and independent living facilities. So we have some language in our comprehensive plan currently that says in certain areas these types of uses might be appropriate, but an assisted living facility should have no more than 24 units. An independent living facility should have no more than 20 units. So part of his request in amending our plan is requesting that those unit limitations be removed from the plan. So with and then the final aspect is that he is asking that our comprehensive plan suggest that our zoning ordinance in turn be amended to add independent living as a special exception use in our agricultural conservancy district. And what that means is any property that is zoned for agricultural conservancy use, somebody could apply for a special use permit. So that would require further action. It wouldn't be a buy right use but they would have to require. They would have to apply for and receive a special use permit to do an independent living facility in our Agricultural Conservancy district. I know that's a lot to take in, but that is what is before the commission this evening. You may have seen a graphic of a facility showing what something might look on a particular property. You may have heard reference to a 100 unit facility, and that is something that the applicant had a dialogue with our town council about last month, about what he ultimately would like to do on a particular property in town. We know what property that is. But it's important to realize that what is before the commission tonight is not an application for a particular development. There is no proposal before the commission to do a 100 unit facility on a particular property. Tonight we know that is the developer's ultimate goal. But again what he is applying for and what will be considered are those text amendments to our comprehensive plan defining independent living adding it as a special exception use in our agricultural conservancy district and removing the dwelling unit limitation, which could in turn set the stage for a larger development. So that is what that is why you won't be seeing any any plans before you. We've fielded many calls from interested citizens and we really do appreciate your interest asking where the access will be where will the parking be located How will lighting on site be handled? And those things we don't know because there was no application before us. So this is really trying to set the stage early for what he would like to do there. And then the question that the commission will field tonight is whether these text changes to set the stage are appropriate to make in a comprehensive plan. And then they will ultimately whether tonight or at a subsequent meeting forward a recommendation to the town council on that request.

**Eric Combs:** Thank you, Will. Well why don't we go ahead and open up the public hearing and before we have anybody provide their input let's just cover some ground rules here because we do have a lot of people here. First and foremost, I want to thank you all for coming. This level of involvement is something that really brightens our eyes. We don't generally get a large audience in our planning commission meetings. So this is a welcome event for us. The object of tonight's public hearing is for the Planning Commission to have the benefit of your input on the application that's before us. It is not for us to engage in a dialogue or a back and forth or really debate the merits of anything. It's simply for us to listen to consider all the comments that come at us and then after the hearing concludes them for us to deliberate. Given the number of people in the room I think it makes sense for us to put a time limit on folks who are going to step up and provide a comment. If you would please provide your comments in let's say two to three minutes perhaps shorter if you can so that everybody can have a turn. If we see you're running up against that we'll just politely remind you that we're running low on time. And please make way for the next speaker. The order in which we'll take all of this is we'll have the applicant step forward and provide a brief introduction about the application and then we'll open it up to everybody else who wants to step forward and provide a comment. Once everybody has had their turn up here at the microphone then we'll provide the applicant with perhaps the last word. We'll close out the public hearing and then the planning commission will deliberate. So with that said if we can all just stick to that general plan I think we'll get through this and hopefully get everybody home at a decent hour tonight. When you do step forward, please just state your name into the microphone. There is a record of tonight's proceedings and provide your address and then we'll get started. Mr. Orlich would you like to kick us off?

**Dan Orlich:** So my name is Dan Orlich and the person with whom the commission has had no contact. And I was wondering could I go over there? Put my back to the audience.

**Eric Combs:** I'm sorry. Where would you like to go?

**Dan Orlich:** To use that microphone so that I don't stand with my back to the people.

**Eric Combs:** If you'd prefer to sit there, that'd be fine. I would ask that anybody else who follows though let's please use the podium here with the microphone. Just because it is directed more toward us rather than the audience.

**Dan Orlich:** Thank you for giving me the opportunity to appear. Thank you all for coming to find out what this is about. Anyway my name as I said, is Dan Orlich and I live in Vienna. I'm a builder and Projects I have I do on my own. A few years back when the master plan was adopted there was a notation or a reference to the fact that there wasn't senior housing in the town. There was also a reference to the fact that maybe it was appropriate in the conservation zone. I'm the contract owner of a piece of land on the east side of town. And if you were to approve my application and if the planning commission and the historic review committee were to agree to the architecture I would then plan to build approximately 100 units of independent living on the site on the east end of town. The comprehensive plan had some statements contained. On page 50 it said that the town would consider several smaller scale uses to enhance the quality of [inaudible] without overtaxing town services. [inaudible] use that we could consider would be adjacent to the town itself and to the existing part of town would be senior housing. They also said that we could have one thing that could be considered is a continuing care complex. Again right near the town. They made a point that the fact that any senior housing alternative should be near the established part of town so that it's within walking distance and that seniors wouldn't be isolated from the town. They become an integral part of it. Then on page 28 in a different section of the master plan. To implement the town they said we should encourage the provision of a variety of housing options tailored to the needs of senior citizens such as universal design houses, independent living apartments, and assisted living. But all should be constructed and kept within the historic character of Middleburg. After we have the contract we did engineering on the land. We did water engineering and we did topographic engineering and we conducted a traffic study. We found that the slopes were manageable and we found that the Corps of Engineers would allow us to cross the little stream. The traffic study also showed that we wouldn't be significant or really any burden to town streets because we're going to only come in and out on Route 50 so we won't be putting traffic or cars anywhere else.

**Eric Combs:** And Mr. Orlich I don't mean to interrupt you but we do need to move this along.

**Dan Orlich:** Ok talk faster. [laughing]

**Eric Combs:** Please, if you would.

**Dan Orlich:** Anyway the substance of our act we're asking for four things. First, the town has no definition of what senior living is. So we're asking that senior living be defined this way. It's called independent living. Housing designed for and restricted to use there by seniors over 55 years of age not requiring assistance with daily activities. In conjunction there with [inaudible] dining, housekeeping, assembly, library, music room, so forth, and transportation [inaudible]. It says independent living differs from assisted living in the level of care provided. Residents of assisted living require assistance with daily life activities such as medication, eating, bathing, dressing and toilet. Residents of independent living. The device we're trying to define here have made an active decision to improve their quality of life in a secure, low maintenance home. So we asked the zoning code be changed to allow this definition to exist [inaudible] senior living. The other thing we're asking you have a conservation district and right now by special exception, 22 users are allowed in this district and they run all the way from animal hospitals to [inaudible] you can have a bed and breakfast you can have an inn but it doesn't provide [inaudible]

habitation of any kind other than the [inaudible]. So what we'd like to ask is an independent living, as we define it here, be allowed as a use in that conservation zone. And the reason we're asking is because in the master plan they set up criteria that can be used to decide what else to can go over the special exemptions. One of the criteria is whatever is put in there should complement existing commercial uses in the historic downtown. Well yes we will. And we won't compete with it. We're not doing [inaudible]. They said another thing that shouldn't happen in this conservation zone is we shouldn't create any commercial uses. We're not a commercial use we're a strictly residential use. The other thing that shouldn't happen as another use is added to the conservation is that we shouldn't have any impact on the existing housing market. Well we don't because there is no [inaudible]. Another thing we should do is preserve the open space and [inaudible]. Only half this site is going to be used over half [inaudible]. We should minimize traffic impact. We will. We won't touch any town streets. We'll only enter and exit on Route 50. And the other thing about it is it should be architecturally compatible with the town. And of course that the planning commission and the historic review board will be [inaudible]. We have two other elements that we're talking about here in our application. Number one limits the place to which the independent use can be applied to that particular piece of land we're talking about because we limit it to a site that's 15 acres in size and that has direct access to route 50. There's no other piece of land that meets the definition. The other thing we ask is the in the plan that I was reading to and the definition of senior living, they mentioned that a facility should be the facility that provides this living should be either 20 or 24 units. Now I think a facility means for building, but some people think facility means the town of Middleburg. So I would like that which I think is an ambiguity removed from the code. Other than I don't think we have much more to add and I will move along.

**Eric Combs:** Thank you, Mr. Orlich. We're going to open up the microphone and the podium here and I really would invite people to perhaps just line up in front of the microphone. That might be the best way to do it. Alternatively we can just select people from the audience who raised their hand and would like to come up. But I would invite people to please just stand in front of the microphone. Reminder just please clearly state your name and your address into the microphone and we'd be happy to hear your comments.

**Dr. Joseph Jabbour:** Good evening. I'm Dr. Joseph Jabbour live at 22071 Sam Fred Road. All righty. [inaudible] We can project to the whole room. Is that alright?

**Dr. Joseph Jabbour:** Real quickly people can't hear it online. I was getting texts that they couldn't hear. All right. [multiple speakers]

**Rhonda North:** No don't talk into it, then. [inaudible] Yeah.

**Will Moore:** The microphone you may not have heard this earlier is not for amplification purposes. [inaudible] And if you could please do your best to minimize your conversations with each other. That will help everybody be able to speak.

**Dr. Joseph Jabbour:** I'll try to project. Is that better back here? All right. Thank you. I'm Dr. Joseph Jabbour, 22071 Sam Fred Road. Firstly, I'd like to make a comment about this mailing about support senior housing which is I think somewhat disingenuous because it suggests that if you have some objection to this project you are somehow against seniors. And certainly I'm well past 55. I just want to mention to the board that we've heard this you all heard this siren song of increased revenue, more activity in the village, more business for the shops. Yet right now, there are more shops empty than I've ever seen before, maybe as many maybe more now than before the civil war. But I think that you have to take that with a grain of salt. If you think that's going to bring in more revenue. May I might be asked may I be permitted to ask a question of Mr. Orlich?

**Eric Combs:** No I'm afraid this isn't the proper vehicle for that. This is really for the planning commission had the benefit of the public comment.

**Will Moore:** [multiple speakers] and if you could please sir. Sorry to interrupt, but everyone please direct your comments to the commission and not to the general public here. This is really for their benefit. Thank you.

**Dr. Joseph Jabbour:** All right. I just wondered why he is a resident of Vienna somehow managed to purchase a piece of property with the presumption that he would go ahead with this commercial development. I would have asked that if he were here and I could ask. Thank you.

**Bridge Littleton:** Good evening. I'll try to go both ways. Bridge Littleton 5 Orange Drive Middleburg, Virginia. Mr. Chairman, members of the Planning Commission. Thank you all very much. Thanks for taking your time and your public duty. Thanks to everybody who's participating here tonight. It's actually what excites me the most about local government. I know you're going to hear a lot tonight from folks about what the plan development's going to look like and what it could potentially do to Middleburg. And that's very important. But what you guys are considering is a CPAM. You're considering a comprehensive plan amendment. And that is actually one of the probably the most important things you guys do second only to the planning to the comprehensive plan itself. And I don't take that lightly. So two quick comments. Number one, I'm very concerned about the redefining of what Agricultural Conservancy means to allow hundred unit, you know, actually not even 100 unit, potentially unlimited number units to go in Agriculture Conservancy. This is not about senior housing. This is about the type of density and development we want in our agricultural conservancy areas. They are a C because and they surround the town because they protect our Gateway's. The second point I'm very concerned about the slippery slope that we go down in doing C PAM's at the instigation of an individual developer's desire to do some kind of development a change to a C PAM, a change to a comprehensive plan changes agricultural conservancy everywhere not just where this applicant wants to go. This should be a rezoning or something else. This should not be done through a comprehensive plan amendment. The third point that I will add is the overall drive and scope of what this development looks like. Again in the AC is not in conformance with what our current comprehensive plan is or the draft plan you guys have before you've been working so hard on. Again this is not about senior housing. This is about the type of development we want in our comprehensive plan. The one thing I do want to note for everybody the applicant was in error. We did develop and build a 62 and over senior living unit which is 20 units in 2009 and it's called Levis Hill House and it's an awesome place. So I think we're meeting the goals of our current comprehensive plan by doing the right size development like Levis Hill House, not something which is five times as big. Thank you very much. [applause]

**Bud Jacobs:** My name is Bud Jacobs. I'm the chairman of the town's Wellhead Protection Advisory Committee. Live at 134 North Jay Street in town. As a general comment, I'd like to second remarks that were made earlier about the propaganda many of us received from the developer, who seems to think that if he throws up a painting of fox owners and John Mosby that he'll have our attention. I think it's safe to say that our town represents a good deal more than that. And perhaps the developers failure to grasp that is indicative of the overall suitability of this project for our town. We on the Wellhead Advisory Committee are responsible for advising council on the protection of our groundwater. I think everybody here most of us know that we get our groundwater out of wells. We don't draw from any riparian sources and we are extremely sensitive to both the quantity and the quality of the water that's available to our residents. I know it's early days for this proposed facility, but given its proposed location and the topography, I would urge the commission to consider carefully before approving any changes that are asked by the developer in support of this project. One of the things we do not know is the impact on the proposed development on our well recharge areas. The lot of the land over there is what we used to call bottom land. It doesn't drain very well. And if you're talking about a hundred units of independent living residents, then presumably you're talking about a whole bunch of automobiles. They require parking and that parking will be most likely provided on unprofitable paved surfaces. It's not clear to us that's the best solution or the best way ahead for what is currently deemed agricultural land. I would add as an aside that for land of this sort, once it's gone once it's built on once it's paved over it ain't coming back. It's gone. Finally I know again let me repeat it's early days but we have a lot of concerns about the impact of a

couple of hundred new residents on a town of 700 residents water supply. What's the draw going to look like? How is sewer going to be provided? Are they going to hook to town sewer services or are they going to have a well. We don't have any of those questions answered at this point. And because we don't I think it would be inappropriate to go very far very fast on any part of this development. I have a fellow board member from our commission here. I don't know if you want to chime in anything Jilann? Thank you.

**Jilann Burnett:** Jumping in front of the line here. And that's not a good thing. My name's Jilann Burnett. I live at 21521854 Fox Croft Road I'm one of the owners of the bookstore in town. I'm absolutely invested in the town and the impacts on the town. I also would like to say I am against the commission changing the land use in the agricultural area. It would increase our residency 15 to 30 percent if there was one resident per hundred houses or units or two. We also have an issue of the water use. And again I'm on the wellhead protection also but they will be having laundry facilities. They are going to be having a huge impact on our water and our wastewater. And I think that's inappropriate for the town of our size to be asked to pick that up. So I thank the commission for all their work as with who's spoken before me I would encourage the commission to deny the request that the applicant has made for the changes that he's asking for. Thank you for your time.

**Brett Miller:** My name is Brett Miller. I live at 36789 Homewood Lane. I am in one hundred percent support of this facility and I bring with me tonight 80 plus signatures of local folks that are also in support of this facility and considering going further so we can continue the dialogue with the gentlemen. That is not disingenuous at all with his mailing. He was willing to put an enormous investment into this community. And I think he should be applauded and thanked rather than belittled. And I believe that this other facility that that exists in town. I know that I went through four and a half years ago with my mother trying to find a place for her. It's not available. It's there but it's too small. It's not available. There's no more rooms. So I think that this is an incredible opportunity for this town to move forward. You'll also have a developer that is willing and wants to make this beautiful for the town. There's no positioning to try to make something that's not in congruent with the typical architectural design. So I encourage you to continue and let him and let Daniel Orlich continue presenting to you to the planning commission and work with them just like Salamander was worked with over the years so that you can have a fine working facility something that Middleburg can be proud of just as they are Salamander resort and promote that through.

**Darlene Kirk:** Hi, I'm Darlene Kirk and I live on Sycamore Street up in Ridge View and I'm on town council and we met with the developer, as you all know, we had a very long discussion with him at our council meeting a couple weeks ago and we followed it up with a letter basically saying thank you but no thank you. This wasn't really what we wanted. And I know you will have to go through this. They have to go through this process. But the words that stick out my mind Agricultural Conservancy. How is putting a huge building that's going to rise up pretty high up on the top of the hill which is going gonna be seen from miles away as people are coming into town. How is that conserving anything? It's going to cost a lot to the town. We're gonna have to probably extend our border. If we bring them in they're gonna have to be on our water and sewer. And it's just a bad idea all around. There are 22 uses that he could have picked but he goes and brings something else in that's not needed and it's really not wanted. It's going to just be an eyesore. Thank you.

**Aleco Bravo-Greenberg:** Good evening. My name is Aleco Bravo-Greenberg and I live at 22962 Carter's Farm Lane, Middleburg, Virginia, Rutledge Farm. So I'm here for myself but I'm also here for a friend who's in California who's a resident marshall who asked me to please come over here and express on her behalf. Her opinion, of course, is that she would not like to see these changes implemented. Now my opinion. I thank the developer for his courtesy and thoughtfulness and also Brett as well in presenting something very interesting for the town. But before we even get to that, we're talking about what's on the table here, which is changing some language. And as former head of economic development here in the town and also somebody who used to develop real estate, grew up developing real estate as well as a young adult, I'm concerned what changing this language, what type of precedent that would set for the

AC. And I think that's something worth considering and having thorough discussion. Thank you.  
[applause]

**Eric Combs:** Any others? Please if you're going to comment step forward to the podium.

**Heather Taylor:** I'm Heather Taylor. I live at 6432 [inaudible] Creek Road, Middleburg. Lived here 50 years. And I would like to ask you to. I'd like to ask you to consider this application in a smaller manner. Not so many units, but give it a chance, because perhaps 25 units or something would work. I can see myself moving in there. I love this town. I don't want to have to go to Winchester to ask Mr. Canterbury or down to watching [inaudible] who knows where there is no place. Unless you are lucky enough to find a house in the village. There is nothing. And I think everyone here knows that. And so I think we should work with these people. And if they are legitimate and everything is, you know can be worked out I think you should give him a chance. Thank you.

**Chris Randon:** Good evening. My name is Chris Randon. I live at 120 North Jay Street in Middleburg. I am the secretary treasurer of the Steeplechase Run Homeowners Association. I am here tonight with a fellow board member Hillary Highland. We are a community of 19 town homes at the far end of North J Street. Most of us have come here tonight having only read the two articles in the newspaper. And let me say that before we came, our board did pull our homeowners and out of 19 homes we received 15 responses and all those responses were against the plan as it now stands. And many owners did express their concerns. Some of these concerns were, as Bridge has said, as Bud has said, the importance of the Agricultural Conservancy district in our comprehensive plan. We agree with Bridge totally. Once green space is developed it is gone forever. And those of us at Steeplechase Run do value the green space around us and the 20 cows that are on the green space also. If this project is allowed, we are worried about whether more exceptions it will encourage more exceptions to be made to the proposed the comprehensive plan. And as Bridge said and I agree that we could be headed down a slippery slope. We are worried about the impact on our infrastructure, on our water and sewer. Do we have the capacity for another to support another 100 to 200 people? And who will pay for the sewer and water lines to that facility? Something that my fellow homeowners brought up was seniors might be more attracted to such a development if it was closer to doctors and hospitals and better food shopping. Someone else mentioned the location of the entrance might be a traffic hazard. Being that it's coming almost at the bend on Route 50 there and it could pose a real traffic hazard during rush hour. Basically we feel or I feel that the plan as it stands is too large for the town of Middleburg. The sudden influx of 100 to 200 people and the resulting traffic into our small community could have a negative impact. And also the influx of 100 to 200 new over 55 adults could change the dynamics of the town. Thank you for all your hard work. Thank you for letting me speak. We appreciate your work on our behalf. [applause]

**Don Skelly:** Good evening. I'd like to thank you all for what is often a thankless job which is being a member of the Planning Commission. My name is Don Skelly. I am a Loudoun County resident at 37318 John Mosby Highway. Roughly half a mile east of the proposed project. I'd like to speak to you as a developer of over 20 years. Not so much on this project, which I object to, but in the perils that are inherent with amending your comprehensive plan in such a manner. If they wish to specify a special use permit, that's one thing. However, I think you need to be conscious of the fact that as you amend your comprehensive plan, you open the doors to a relatively large, undeveloped section of town to a myriad of uses. And so I would urge you to caution. I think that opens too many doors that you don't know what's coming down the road. The other thing that I would peril. I would say is a peril is traffic. And I think a lot of what we have in Middlebug is somewhat misleading in that traffic counts. The AADT on Route 50 is not that high, but it doesn't reflect the peak hours. 9:00 in the morning, 5:00 in the afternoon. I remember when I bought my farm three years ago thinking where are these people all coming from? They must be coming from Paris. From Upperville. [laughing] Until I realized they were commuters coming in from Winchester. So I think that is something else that you need to consider seriously as you consider this proposal because it's not just about this project. It's about the projects that may come. Thank you.  
[applause]

**Ray Morales:** Hello. Ray Morales 12 Orange Drive, which is right down the hill from this proposed location. And I just wanted to go on the record saying I oppose changing the comprehensive plan for this project.

**Miguel Diaz:** Good evening. My name is Miguel Diaz. I live in 12 Orange Drive. I oppose any changes to the comprehensive plan. When I move many years ago to this part of the world, I was looking for a pristine environment as well as many people that come here to respect the pristine environment where we are. And I hope that in the future we can struggle and preserve what we have is a privilege to live here. So many people are also natives of this area but we all feel the same way. Otherwise we will be living in the middle of a city or in the suburbs. There is a reason why we pay to live here and I think that no one has a right to change our way of life just because they want to make some profit out of it. So please. Thank you for letting me speak. [applause]

**Rhonda North:** Mr. Chairman, just to let folks know you don't need to get that close to the microphone. It distorts the sound. You're at a good distance.

**Kathyjo Shea:** Kathyjo Shea 21854 Fox Croft Road. I also have served on the town council and understand that the issue is not senior housing. So I would like to come tonight to say I support senior housing in this town. We have an aging population. We need to address that issue. But this is not the way. And it's not the place we need to approach it in. I think the council should be encouraged to set up a committee to look at how we look towards senior housing in the future, but not by changing our current plan and running the risk of having all kinds of development all around town especially in the loop. That the fact that the county is trying to do that right now. I think we have to hold our boundaries. [applause]

**Brett Miller:** Brett Miller again. 36789 Homeward Lane. I just want to make sure that everybody understands that this could change a comprehensive plan that you guys understand that it's. [inaudible]

**Eric Combs:** I'm sorry. We need to make room for others to give their first comment.

**Brett Miller:** Okay, I'll send somebody else up.

**Will Moore:** Once everyone has had their opportunity to speak the first time, Mr. Orlich you will have an opportunity to again speak to offer a response or rebuttal to any comments. So if that's helpful.

**Adam Im:** Hi, my name is Adam Im I live in 11 Hunt Court right on the east side of town. We're adjacent as possible I think part of the applicants talking about. I also sit on the board of our homeowners association. There's 11 units there. I don't quite represent all of them but we had a big meeting of all of that discussion. I think I can say that I haven't heard anyone who's for this project. Definitely not in our eleven unit community, not in the adjacent community. I think you've heard just a few minutes ago from Steeplechase right next door. I won't reiterate everything that's already been said. I think the for me what's important is the as you come into town, this is really the first one of the few structures you'll see coming into town. If it were built in, I think the impression of what Middleburg is all about, what we stand for and our values, why we live here, which is really about nature. It's been said throughout this hearing, it's really about preserving nature. And that stream that goes through that the applicant talked about is I've been here again 15 years in Middleburg and I've lived in that house for 15 years. And seeing the wildlife that exist around that stream, it's quite a unique place. I think this will really severely affect that. And I think it will really affect the impression that visitors will have coming into Middleburg to see this large structure that you see in Ashburn, you see in Leesburg, you see in Haymarket. And I think those that's something that we should really look at. At least consider as we formed this opinion about this application. So thank you very much for your time on all you do.

**Olivia Grass:** I just moved from Utah. My name is Olivia Grass, live in the Plains. I don't live in Middleburg but I have a question. If you have 200 people that are going to be in that building and they're all voting age. 200 is one third of what the population is or a fourth of the population in Middleburg. They would have an impact on voting differently than the town of Middleburg does. And that's just a thought. Thank you.

Good evening. Thank you for all your work. I'm probably the newest resident in town. My name's Danielle Anderson. I live at 1728 Zulla Road. I grew up fox hunting here. I enjoyed sporting life. I became an equestrian artist in college because of this town. All I can contribute is Middleburg is unique. People come here from all around the world because there's such an incredible rich history that colonial feel. Where are you going to find that? There are very few places left that are the birthplace of this country from colonial times surrounding the nation's capital that have been preserved so beautifully, so that when people come to visit they're not just coming here because there's some nice restaurants or whatever. They're also coming here because Williamsburg is fake compared to Middleburg. Middleburg's the real deal. When you start making exceptions to allow this to start looking like Leesburg and Ashburn and South Riding and all these other beautiful areas that had that colonial feel they're gone. I'm recently divorced. I sacrificed everything so that I could make this my permanent home into my retirement. I'm 49. I'd be eligible for this in six years if it was here and I was looking to move here. I would run as far away as possible. It doesn't fit with this town. And I'm not going to go into all the other things that everyone else said because there are concrete reasons that they've listed. But from attracting people who want to be active residents who've given everything to be specifically in this town at all costs you're looking at her already. Last year, I was the fundraising chairman for the Side Saddle Chase Foundation. I volunteer at the sporting library. I'm involved with the Middleburg hunt I rejoined after 30 years away. I own a tour company that I'm bringing back into town based in Europe and I want to give a portion of all my proceeds as I always have in my business plan specifically for land conservation. It's so important to keep this area green and undeveloped because it's everything else around disappears. This you don't want this to disappear either. So that's all I can contribute. Thank you very much.

**Tim Clites:** Tim Clites I'm historic review committee member, former planning commissioner. Used to live in town, I live adjacent to town now at 37066 Adam's Green Lane, and it wasn't too long ago. I think we were doing the comprehensive plan update and I was involved in it. And so I guess I'd start with saying that one of the most important experiences that we had as a young family moving to Middleburg was our senior neighbors and our parents. They quickly became like grandparents to our children. And so I couldn't be more senior supportive and just understanding how that helps to create the book end of a community from the youngest to the oldest. So I think that I don't have any comments about the for or against. I think that when I read through the four points it reminds me of what the former chairman used to remind our committee often which is we sweat the details in this town. And so my only comment is to all of you, I would encourage you sweat the details because you've sat there long enough to see where things in even what's being proposed could be problematic. And as we know a comprehensive plan is not about a specific site. And so any of these adjustments would need to be looked at across the entire town. And I know you know all of that but I just for me the only thing that I have to add to the comments I've received so far is take your time and sweat the details and do the thorough process that we know you'll do to make sure that whatever needs updated. I think it's great when someone comes and you have a document they say there's ambiguities there's holes in it. There's things that aren't clear. I think it's a great opportunity to make those things clear. And but you have to do that, of course, looking at the entire town and what like we've learned at the county level just a few words taken out of a certain part of a zoning piece of text can change for future generations. The dynamic of what they understand your intent was. So take the time and do a good job. Thank you.

**Todd Phillips:** My name is Todd Phillips. I live on 400 East Marshall Street down the hill. I'm an architect and very acquainted over the years with the development of health care facilities and senior housing. I've authored any number of things under the [inaudible] of the AIA the American Institute of Architects including documents I brought with me. But I want to say that this proposed development

strikes me as the original Trojan horse. We don't know what is inside that horse. It's a very suggestive but exceedingly vague thing. We do, however, have a pretty good sense of what the impact is. The physical impact is likely to be, whether it's in terms of vehicular traffic, pedestrian traffic, by the way, for the geriatric to trudge up that hill from from the bottom of Marshall Street will be a bit of a challenge. But I would. There's so many things about this that are that are very, very problematic. I assure you, I mean, I've been up to my ears professionally in this as an architect for years. And unless the details are really brought to light and seen for what they are. This is a recipe for well for a disaster. I don't mean to be hyperbolic, but really this is just this out of the question. It changes the character of the community. We don't know anything about it's actual working details the volume of vehicular traffic. I'll stop. I'll be more articulate at some future occasion. But I would urge you to be deeply skeptical and to look very hard at this. This is. [applause]

**Lindsay Watts:** Good evening. My name is Lindsay Watts. I live at 406 East Washington Street. About one block or not even a block about one lot over from the proposed senior center. And I'm gonna keep it short and sweet as I don't wanna repeat everything that people have said before me, but I moved to Middleburg for wide open spaces and green pastures and I am strongly opposed to this project. Thank you. [applause]

**Eric Combs:** Any other public comments? Ok hearing none, Mr. Orlich I invite you back up. Might keep it short for us. [inaudible]

**Will Moore:** Mr. Orlich. If you would please we need you to be closer to the microphone so that [inaudible].

**Eric Combs:** Just address the planning commission. Thank you.

**Dan Orlich:** All right. So the application was filed because years ago the master plan said that the senior needs of the community weren't being met. I don't think there's been a significant change. Secondly, some people have talked about changing the comprehensive plan, but the application we filed restricts the operation of independent living to one particular tract. And there's no other track that meets its definition in town. But the other important thing is public hearings are good because as you hear things, you might consider some restraint or some revisions in application. And if you do, I think that's fine. And I appreciate your listening to us tonight.

**Eric Combs:** Thank you, Mr. Orlich. Ok, at this point, we're going to close the public hearing and again thank everybody for coming out tonight. The planning commission really benefits from everybody's input. And it is wonderful to see you all. So thank you very much.

**Will Moore:** Three minute recess while they clear out.

**Eric Combs:** Just for the record. We're going to take a three minute recess and then reconvene. Thank you. Thank you, everybody. Let's just pick up where we left off at the close of the public hearing. We have before us a substantial amount of comments from the public. I count roughly two dozen, which is again, helpful for us to have that benefit to have the public input is just really big for us particularly since we don't often get it. So with all of that input. Where are the planning commissioners on this application? Reminding you that we've spent a lot of time with this over the last well roughly year. Through its multiple iterations and. Has any anybody's mind changed on this at all? Will is there anything you want us to note before we?

**Will Moore:** Two quick things before you get your seats I did include a letter that was submitted late today from the Piedmont Environmental Council. They were unable to have a representative here to speak at the public hearing but they had some comments for you as well. So that is one thing. Secondarily, however, you want to proceed with the deliberation you do have the benefit of my staff report. The

analysis I provided within was mostly referencing the sections of Mr. Orlich's application in the commentary he provided there. As it relates to the land use policy section. He did make some comments related to other areas of the plan and how his application may or may not conform with other sections of the comprehensive plan. We could go through those line by line if you wanted to or how we wish to proceed. But there were a few things probably of note. The two things that I would like to follow up on. One the mayor Bridge when he was speaking hit on. But that was in the mailer that Mr. Orlich sent out. He correctly noted that our plan is aging at this point. It's a 14 year old plan. And of course, you are very familiar with the fact that you have a draft version that you've been working on for the last couple of years that we're anticipating adoption of sometime later this summer. But our existing plan does contain language that is supportive of the concept of senior housing. What he pointed out in the mail, though, was that no housing had been provided since. And of course the Levis Hill House Project is a really good example I think of clearly an example of senior housing that has been provided during that timeframe, but also one that even though it's not located in the targeted or conservancy use areas, it is one that complies with those dwelling unit limitations as stated within. Granted, it's not a for profit entity. So there are differences in the economics there. But it is one that has been very successful. It is true that it's in very high demand, but it is also keeping with scale that you were that you were looking for. And just one other just tangential thing that I think is important to point out in his accompanying materials, he was referencing some of the potential economic development impacts and had an emphasis on meals tax and how important that is to our operating budget and that meals tax would be generated from meals that would be provided at this facility. And it's important to note that the code of Virginia exempts these types of facilities, elder care facilities, assisted living, independent living. The meals that are provided at those types of units are exempted from meals tax. So there would be no economic development impact from that one portion.

**Eric Combs:** Thank you Will. Terry.

**Terry Cooke:** Will help me out in my recollection and further to your point about the existing comprehensive plan recognizing the benefit of expanding opportunities for senior housing. My recollection is that the current plan and the related zoning ordinances do permit an assisted living facility with independent living facilities. In the AC district subject to a special exception. Provided those facilities are limited to a certain number of units.

**Will Moore:** That is not correct. So the existing zoning ordinance does not allow for assisted living or for independent living. And it should clarify independent living can just be treated as multi-family housing. It's not necessarily needed to be separately defined. So Mr. Orlich is very correct in his contention that we don't currently have a definition for independent living in our zoning ordinance. That is what is being provided at the Levis Hill House, but it's just being provided under the auspice that it is multifamily housing. They went through a rezoning of that property and as part of that, they proffered age restrictions to it. So that's another way to get about senior housing. But currently, as the AC district sends in the zoning ordinance it does not allow for these types of uses.

**Terry Cooke:** Even with the special exemption?

**Will Moore:** Correct.

**Terry Cooke:** Where is the language that I've seen that refers to. [inaudible] 18 or 20 assisted living?

**Will Moore:** Right. So there are two different things in the zoning ordinance there's nothing with that high of a number. There is a very odd inclusion for an assisted living in certain residential districts but with special exception limited to no more than six persons that would be certified. It was a throwback to a proposal that was for, you know, a residential home in a residential neighborhood where a caretaker could live possibly next door and then look in on folks. It's not something that was ever taken advantage of in terms of being applied for and approved. What you're thinking of with the numbers of 24 or 20 units is in

the existing comprehensive plan. So it designates in the conservancy or targeted use zones as designated on the land use policy map in the comp plan, one of which is the subject parcel that Mr. Orlich is interested in developing. It does mention that senior housing could be appropriate at that kind of location or other locations designated as conservancy or targeted use. Again, devil's in the details, but it puts those caps. So if Mr. Orlich were coming forward with a proposal to potentially do a 20 unit independent living apartments on on the subject property, there would be supportive language in the existing comprehensive plan that could potentially set the stage for amendments to zoning to allow for that on that property.

**Terry Cooke:** Thank you. That's what I was getting at. Thanks.

**Eric Combs:** Ed if you would please.

**Ed Fleischman:** Mr. Chairman when I look at this proposal and where we are as a planning commission and where the town of Middleburg is in developing a new comprehensive plan. I don't think the time is right to make amendments to the existing plan when we leave. The town has hired a consultant spent many hours preparing a new plan. We the Planning Commission has spent a lot of time developing a new plan. We're proposing a draft plan. Public hearings on the draft plan. So I see that this would not be the right time to make any changes to what I would call the existing or old plan at this time.

**Eric Combs:** Thanks Ed. Kevin.

**Kevin Hazard:** Turn my mic on. You know. We're really looking at two things here. One is we want to retain the Agricultural Conservancy district's. And I think that's very important. But I think that you know I feel like senior housing is a laudable goal, but I just don't think in this particular format it's the right place. And I think Kathyjo Shea say that maybe that's something that the council needs to do and we need to work on that. And I think I got my council hat on right now. Sorry. And I think that's very important. But just I can't get past the fact that that is Agricultural Conservancy and we need to keep it that way. And in putting 100 units, there is just to me just not really what we want to do with our comprehensive plan or zoning ordinances.

**Eric Combs:** Thanks Kevin. And that's born out in a lot of the public input that we've received in connection with the comp plan update that we're undertaking right now. All the community input sessions, the surveys, all the other efforts we've undertaken in trying to develop the new comprehensive plan. I think echoes a lot of what you've just stated to really to address it in this manner seems inconsistent with how we've been taking up the comp plan as a whole. And the input we've received on that. Are there any other thoughts or comments again we've taken this up with considerable effort before and unless there are other comments or other thoughts. I would say this meeting in particular is the one where we probably can act on it. Are there any other thoughts amongst the Planning Commission? I've heard separately from Commissioner Woodruff before he had to leave unexpectedly. So if he had anything for me to share with you all he would have said it and did not so. Take that into mind as well.

**Ed Fleischman:** I'd make a motion.

**Kevin Hazard:** I move to recommend disapproval for the comprehensive plan Amendment 1801 to town council and for any of a number of reasons and I'll go through a couple. The proposal to add independent living as a special exception use in the AC district is inconsistent with the stated purpose of the AC district and the zoning audience two the proposal effectively limits the applicability of independent living to one parcel of land and develop of that particular parcel with such a facility would be inconsistent with the stated purpose of the AC district and the zoning ordinance and with the properties designations for conservancy or target use and open space in the comprehensive plan.

**Ed Fleischman:** I second the motion.

**Eric Combs:** All in favor. Terry. Sorry, I thought you were going to amend it. All in favor of the motion.

**Everyone:** Aye.

**Eric Combs:** The ayes have it. Will. Was there anything else you were looking for on that motion?

**Will Moore:** [off mic] And just in terms of process and for the benefit of everyone here this does not die here. The commission is acting as a recommending body to the town council so that the application will be forwarded to the council for them to take action. They will have to repeat the process of scheduling and holding their own public hearing. So we will consult with the council at their meeting later this week as to when they may wish to schedule that hearing for. And then we will go through the proper advertising of that hearing.

**Eric Combs:** Thanks and Will, will you keep the commission posted as to when that hearing might be scheduled? Thank you. Looking at our agenda. Kevin, a council representative. Report anything new to share with us?

**Kevin Hazard:** The biggest thing I wanted to share [inaudible]. It was well received by the town council. [inaudible] Sorry. A couple of notable items. One we did do some guidelines for murals. Historic [inaudible] Something came before them and asked they want to do some murals in town. And after a number of months of thought and debate, it was decided it's really not keeping with our town. We don't want murals [off mic]. Consent agenda. We went through the minutes. We had our town reports. And I think the biggest thing was we talked about a new contract for. The strategic financial planning we've worked with Davenport for over a decade and that was received very favorably. And motion was to let the town administrator to contract Davenport to work on other things. And I think you know we're trying to [inaudible] our way through this next decade. And, you know, there are some real changes going on in small towns and finances. And they're going to help us you know focus on what's important. We've had this long period of growth and that can change at any moment. Just this last couple of weeks there [inaudible]. And so we're focused on trying to make it through. It's good times but if and when the [inaudible] we want to be prepared. And a couple small things [inaudible]. They had that big tree in the yard and. It's on its last legs and they asked permission to take it down and they're going to take it down they're gonna plant. [inaudible]

**Will Moore:** It's gone already. [laughing]

**Kevin Hazard:** And that's pretty much it.

**Eric Combs:** Thanks Kevin. Will it looks like this would be the time where we revisit the schedule for the comp plan. At least put it in our agenda.

**Will Moore:** Right. So just throw this out there. I've been consulting with Todd about potential timeline and I think we have discussed previously we've always had a timeline of hopeful adoption sometime this summer maybe July or August but that would require getting the plan to the council by that time. What we are proposing at this point in time for your consideration and maybe discuss we would like to get again as we discussed in your work session an updated draft that incorporates the comments that you provided on the February 20 draft that you previously reviewed. We would like to give that to you as soon as possible. And we're going to work diligently to do that so that you have plenty of time in advance of your April meeting. What we're hoping for is that in that April meeting, we can flesh out any remaining comments and have direction on a draft that you would endorse to the point of presenting to the public not one that you would be ready to make a recommendation on. But if we were able to get to that point at your meeting in April we could schedule an open house in May and that could possibly be in lieu of your regular meeting in May which actually occurs on Memorial Day. So we won't have it on the regular fourth Monday but it could possibly be in lieu of your regular meeting or if we had business to take care

of we could convene a separate open house. But if we were able to do that we would then propose that you agree to schedule a special work session in June. Aside from your regular meeting maybe two weeks prior and during that time we could go over the results of the Open House and decide at that point in time if the draft plan merited further amendment based on the public's reaction. And then potentially for your June 24th meeting have the public hearing and your recommendation on the plan forwarded to council. That assumes a lot of things that assumes that the draft that you're going to get here shortly the revised draft will be needing minimal revision at least to roll it out to the public. And that's something that we work out at your April meeting. But if that were the case I think that's a doable timeline if we were able to schedule that special meeting in June. We'd like to stick to that schedule. But if we're delayed somewhere along the line, I think a July recommendation would be acceptable to council as well.

**Eric Combs:** Okay thanks. Yeah I like that schedule. It does sound aggressive and it's really hinging on that threshold matter of [inaudible] get in the near-term is of the condition we think is ready. My concern and in perhaps pushing it out beyond this schedule would be that the open house I would like to stay away from that open house potentially falling in the month of June or at any point during the summer just because I think that will limit attendance. And if we therefore then are pushing the open house until the end of summer. So it seems to me it may really be nothing. So I would like I think that sounds like a great schedule. I would like to stick to that as best we can. And if we have to I guess having an open house in May, whether that takes place of our regular meeting or not, gives us still a little bit of wiggle room there. If you think the draft that we're going to get in advance of our April meeting merits having another special work session as an interim step I would be open to that and would just put that out there for consideration so that we could perhaps just keep to this type of schedule which I think is great. Any objections? OK so assuming Todd is on board with your past tracking.

**Will Moore:** Yeah. We discussed this potential scheduling and he thinks it's very doable. But again, that's all contingent on this revised draft and giving it to you as soon as possible.

**Eric Combs:** Ok. And again if we need to carve out another special work session perhaps in May in advance of the Open House maybe we can just take an abbreviated. Sort of portion of the planning commission just because what we're talking about at that point likely are text edits. You know all the big picture items are really going to have been addressed already. So if we can shortcut any of that review then I'm all for it. Ok wonderful. So then looking at that schedule we're set for a meeting our next regular meeting on April 22nd. How does that date look for everybody? [multiple speakers] So assuming then Will we get to the next draft from Todd. Several weeks before then which at least two weeks before then that should give us ample time to hopefully tee up any final comments for that 22nd meeting is that the goal?

**Will Moore:** That is the goal.

**Eric Combs:** OK. Wonderful. Any other discussion items? No I've kept everybody long enough. Thank you, everybody. Have a great evening.