



**TOWN OF MIDDLEBURG
PLANNING COMMISSION
MINUTES**



MONDAY, SEPTEMBER 24, 2018

PENDING APPROVAL

PRESENT: Eric Combs, Chairman
Donald Woodruff, Vice Chair
Terence S. Cooke, Member
Edward R. Fleischman, Member
Rachel Minchew, Member
Mimi Dale Stein, Member
Kevin Hazard, Councilmember

STAFF: William M. Moore, Town Planner
Rhonda S. North, MMC, Town Clerk

The Middleburg Planning Commission held their work session and regular meeting on Monday, September 24, 2018 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 – Town Comments – Draft Loudoun 2040 Plan

Town Planner Moore advised the Commission that based on a discussion during the recent Coalition of Loudoun Towns (COLT) meeting, a joint meeting would be held with the Loudoun County Planning Commission and representatives from each of the towns in Loudoun. He further advised that the towns were encouraged to submit their comments regarding the draft plan. Mr. Moore reported that the joint meeting would be held on September 26th and noted that he and Chairman Combs planned to attend. He advised that he provided the members with a copy of the Town's comments for their review.

Chairman Combs noted that he reviewed the other towns' comments and opined that Middleburg's were the most robust. He advised that he was pleased with the Town's comments and opined that The Berkley Group did a great job in preparing them.

Commissioner Fleischman expressed concern about the recommendations in the County's transportation chapter. He noted that there were no recommendations for upgrades to Route 50 in the transition zone areas, even though more development was proposed. Mr. Fleischman also noted that the bicycle/pedestrian map showed the construction of bike lanes along Route 50, which would necessitate removing trees and expanding the road.

Town Planner Moore advised that the observation regarding the lack of upgrades to Route 50 was noted in the Town's comments. He noted the need to maintain ease of access to Middleburg. Mr. Moore advised that he would take a closer look at the bicycle/pedestrian map.

Vice Chair Woodruff opined that there was no coherent plan for Route 50. He further opined that a bicycle path was a "dream". He questioned whether the towns' comments had the potential to be integrated into the draft County's plan, which was so development oriented.

Chairman Combs advised that during the COLT meeting, the County representatives indicated they would be open to the towns' commentary related to the rural policy area and the transition policy area, as well as about the towns themselves; however, they were not willing to entertain their comments regarding the suburban policy area. He opined that the towns were all saying the same things with regard to the rural and transition policy areas.

Councilmember Hazard noted the discussion on traffic calming and suggested the need to ensure the idea of a by-pass around Middleburg did not arise as it would be harmful to the businesses. He questioned what would occur should the towns' comments/concerns stall. Mr. Hazard questioned whether the towns should go to the newspapers in a united front.

Town Planner Moore suggested that would be for the Town Council to decide. He noted that the Planning Commission could support it if needed.

The Commission agreed that The Berkley Group's comments were good.

Town Planner Moore advised that he was excited when the draft plan went to the County Planning Commission; however, there have been news reports that they were considering doing away with the transition policy area. He expressed hope to have a better sense of what was occurring after the joint meeting.

Commissioner Fleischman advised that the map in the County's plan showed that the Salamander property was in the Historic District and noted the need to correct that.

The Commission held some discussion about the fact that the County plan did not show any proposed development in the rural policy area around Middleburg, but rather left it alone. It was noted that while this was the case, the draft plan eliminated a lot of the express language that explained how it should be left alone. Concern was expressed that being silent did not provide the same level of protection as what currently existed. It was suggested that if the policy was not changing, the articulation of it should not either.

Town Planner Moore advised the members that he would forward the comments he received from the other towns for their review.

Chairman Combs adjourned the work session at 7:00 p.m. and called the regular meeting to order.

Disclosure of Meeting with Applicants

Chairman Combs reported that he and the Town Planner met with the applicant for the assisted living facilities project to discuss their proposed revisions. He advised that they voiced the Commission's concerns regarding their application.

Vice Chair Woodruff reported that he had heard concerns from some citizens about the size and scope of the proposed project, as well as transportation related concerns.

No other meetings were reported by any of the members.

Approval of Meeting Minutes

Councilmember Hazard noted that during the July meeting, the Planning Commission said they would hold a public hearing on the assisted living facility applications. He questioned why this changed.

Chairman Combs explained that the applicants had since indicated that they planned to amend their application and wanted time to prepare the amendments before taking this matter to a public hearing.

Chairman Combs noted the number of errors in the transcript.

Town Clerk North explained that this was the nature of transcripts, which was why she put a disclaimer at the top of them encouraging people to view the video for a more accurate account.

Town Planner Moore reminded the Commission that the minutes the Town Clerk provided met the requirements and provided an accurate record of the meeting. He noted that the transcript simply provided more detail.

Vice Chair Woodruff moved, seconded by Commissioner Fleischman, that the Planning Commission approve the July 30, 2018 Work Session & Regular Meeting Minutes as presented.

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

No – N/A

Abstain – N/A

Absent – N/A

Council Representative’s Report

Councilmember Hazard reported that during the last Council meeting, the Police Chief swore in the new safety patrol officers for the Middleburg Community Charter School. He further reported that the Council held a public hearing on three ordinances related to the consolidated billing memorandum of agreement with Loudoun County. Mr. Hazard noted that the Town Administrator recognized Stuart Will, of IES, for the work he did to raise the utilities in the road due to the VDOT paving project. He reminded the Commission that the Town was in the process of selling the Health Center property; and, as a result, would be constructing a storage facility in a new location. Mr. Hazard advised that the Town was in the process of updating its website and received thirty-three responses to its request for proposals for professional website development services. He noted that he and the Economic Development Director were working with two parties that were interested in redeveloping the Asbury Church. Mr. Hazard reminded the Commission of the two dogs that were stolen in Middleburg and reported that they have been returned. He noted the media blitz that occurred, which contributed to their return. Mr. Hazard reported that the Council accepted the bid from A&M Concrete for the construction of sidewalk on Marshall Street. He advised that the Council approved setting aside \$25,000 in funding in the event the Town needed to enforce the newly enacted dangerous structures ordinance. Mr. Hazard reported that the Council adopted a Code of Ethics/Standards of Conduct and an ordinance to establish a strategic finance committee, whose mission would be long-term planning. He advised that the Council discussed the adoption of an ordinance that would limit the amount of a gift that a town official could receive and noted that when it came to event tickets that were offered as the result of a sponsorship, the Town would no longer accept them. Mr. Hazard reported that the Council was consider amending the ordinance that established EDAC so they could focus more on providing technical assistance to businesses and securing additional investments in the town, as well as adopting an ordinance to create a cultural and community events committee to look at establishing a new Town event.

Discussion Items

Freedom of Information Act Training

Town Clerk North encouraged the Commissioners to attend the FOIA training session on September 26th and noted that it would be presented by Alan Gernhardt, the Executive Director of the FOIA Council.

Private Request to Amend Comprehensive Plan – Assisted Living Facilities

Town Planner Moore provided a quick review of the history of this application. He advised that he received some documents late last week and had not yet had a chance to review them in detail. Mr. Moore noted that he would provide them to the Commission, along with his comments, at their next meeting. He opined that based on what he saw, which was to change the application from assisted living to independent living, the same concerns were present with the revised application as with the original one. Mr. Moore suggested the members hear from the applicant and that they give them another month or two before acting on the revised applications.

Nick Hanna appeared before the Commission representing the applicant. He reported that in response to the Commission's comments, they were changing their request from an assisted living facility to independent living. Mr. Hanna opined that this was already supported in the Comprehensive Plan; therefore, it would not require much amendment. Mr. Hanna advised that they would propose development at eight units per acre, for a total of one hundred twenty (120) units.

The Commission questioned Mr. Hanna about the details of the project. They questioned whether he had an example of a similar project to what the applicant was proposing; the impact of traffic entering at the proposed location on Route 50; the support structures that would be needed for the development; how the development, including the infrastructure, would fit on the proposed site; the amenities that would be provided; the occupancy level of the units; whether the units would be purchased or leased and, whether they would include apartments.

Mr. Hanna advised that he could not provide an example of a similar project and suggested it would come down to what the Town would allow them to do. He noted that they originally envisioned two entrances for the project – one on Route 50 and the other connecting to the end of East Marshall Street; however, based on their engineer's report, they did not believe traffic would be an issue and were only proposing the entrance on Route 50. Mr. Hanna advised that the second one was a possibility. He noted that the project would also include walking trails to get people into town. Mr. Hanna advised that as to support structures, they planned to partner with Middleburg and would outsource their work to as many Middleburg businesses as possible. He noted that if the services they required were not offered in Middleburg, they would attempt to secure them from a business as close to the town as possible. Mr. Hanna advised that the new proposal would contain less cottages and more shared units. He reiterated that they would propose between one hundred and one hundred twenty units. Mr. Hanna explained that the "cottages" would allow for two residents – one of the first floor and one on the second. He further explained that the "main building" would consist of seventy to eighty units and would be two or three stories. Mr. Hanna advised that as to amenities, the project would include a café, a location to purchase small sundries and possibly a pool. He noted that they would encourage the residents to go into town to make most of their purchases. Mr. Hanna estimated the occupancy would consist of approximately thirty percent (30%) singles and seventy percent (70%) couples, with no families. He advised that whether the units were owned or leased by the occupants would be dependent on the number of units they were allowed to construct and explained that if there were less, they would likely be rentals. Mr. Hanna advised that the main building would be rentals; however, the cottages could be sold, depending on the economics of the project. He noted that they could be apartments or condos; however, this would depend on what the Town would allow on a per acre basis.

Chairman Combs advised Mr. Hanna that the Planning Commission's concerns were primarily related to the scale of the project, not to whether it was assisted or independent living.

October Meeting Quorum

All of the members indicated they would be present for the October meeting.

Joint Management Land Areas (JMLA)

Commissioner Cooke questioned why the Town was not interested in having a JMLA with Loudoun County.

Chairman Combs opined that the Town did not want to encourage development around its perimeter.

There being no further business, Chairman Combs adjourned the meeting at 8:13p.m.

RESPECTFULLY SUBMITTED:

Rhonda S. North, MMC, Town Clerk

Middleburg Planning Commission Transcript
September 24, 2018

(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)

Eric Combs: [inaudible] Why don't we get started with our Work Session? [inaudible]

Will Moore: Will Moore town planner.

Rachel Minchew: Rachel Minchew.

Kevin Hazard: Kevin Hazard.

Terry Cooke: Terry Cooke.

Eric Combs: Eric Combs.

Rhonda North: Rhonda North Town Clerk.

Eric Combs: Great. Thank you everybody. Looks like we have on our agenda for the work session items related to the Loudoun County draft comprehensive plan. Will included a few links here on our agenda the first of which is a link to a comment piece that the town put together with the help of the Berkeley Group. We pull them away as you all know we pull them away from the work on the town's comprehensive plan and they helped us put together this piece which is a sort of long form commentary on criticisms of the Loudoun County draft plan. Will do you want to give us a little bit of background about where this is all going particularly as it relates to our meeting on Thursday?

Will Moore: Certainly so. You may or may not be aware of a group known as Colt. COLT which is a coalition of Loudoun towns. It's essentially a group of the seven incorporated towns. Generally the mayors of those bodies will get together on a periodic basis to discuss issues of mutual interest. It had been dormant for quite a while but with the drafting of Loudoun's comprehensive plan and in particular when this actual draft document was published in early May the group reformed because there were some areas I think of common concern that different towns saw in the draft version of the plan. So after the elected officials of the different towns got together they strategize a little bit. They actually had a meeting that included staff members from Loudoun County's planning and zoning department and the staff members agreed to attempt to put together a joint meeting of the Loudoun County Planning Commission and if not the planning commissions of the seven incorporated towns in at least representatives of those towns so they could have a discussion one with regard to the draft Loudoun comprehensive plan. I think to just for ongoing relations between the bodies when it comes to planning related functions. So and in that discussion with the elected officials and the county staff members of the county staff members encouraged all of the towns to submit comments to them and they had a draft timeframe of the end of August beginning of September to get those comments in so they could then process them and that they would then set up a joint meeting to discuss this. During that interim it was agreed to keep the numbers at least the numbers of representatives who would

be officially talking with the commission. Somewhat limited. So this meeting will take place this Thursday evening at the county offices of the council. The town council will be having a work session that evening but I will be attending that meeting along with chairman Combs to basically discuss the document that you have here. The kind of comments and concerns that we've outlined here and then there'll be time for I think all representatives of all seven of the towns to have that conversation and to just start that conversation. That meeting is at 6pm and it's in the Loudoun County Government Center the town representatives will have a one hour meeting themselves prior to that from 4:30 to 5:30 in a different room within the government center so we can at least talk maybe strategize a little bit about how we how we present to the county planning commission that evening. So I wanted to make sure that you all had a copy of this document. We were under a very tight timeframe and ideally this would be something that would have been drafted and had your opportunity to review before we got this document off. But the timeframe just didn't permit. Eric along with the mayor and myself did some detailed review I did quite a bit of detailed review as Berkeley was working on drafting different sections of it. So I'm pretty confident that it does an adequate job of outlining the concerns that are most at least prevalent for the town when it relates to the the county's plan. But I did want to get this to you. I sent it to you earlier last week. So you did at least have an opportunity to review what we had submitted and then give us a chance to to talk over anything that you may have picked up on in your reading of our comments. I didn't necessarily expect you to review the draft Loudoun plans. Both of them in their in their entirety. But I wanted to make sure you had links to them so that if you saw something in our comment document then you could at least reference to the actual draft plans. So that's really the background. And from there we can discuss whatever it is we have the pleasure to discuss related to it.

Eric Combs: Great. Thank you Will. I'll also note we've had Will and I've had the benefit of seeing comments from the other incorporated towns in Loudoun County and I think it's fair to say that our commentary was and is the most robust of them all. And I'm biased here of course but I think that the comment document that will center on is it errs on the side of being inclusive in terms of comments on the plan which this may be our only opportunity to get in front of at least in an organized fashion our only opportunity to get in front of the county as they are putting more pen to paper on this. So with that being the opportunity I'm very pleased with what Will and Todd put together here. I think it is a really great job. Did everybody have a chance to go through and have we I know Will and I are certainly open to any other input that we can bring on Thursday. So please feel free. Yeah.

Ed Fleischman: You know I thought your comments were really good. One question I had about the transportation component of the county plan and maybe Will you know a little bit more about it they are proposing more development on Route 50 in the transition zone as we see now there's a lot of development there now and the transportation plan doesn't have any upgrade of Route 50 in the transition zone to I guess it's Route 15? So what was their thinking about allowing development in that area and not upgrading to a four lane in the 2030 plan. Was there any discussion on that?

Will Moore: So I can't give you any insight into their thinking. All I can really say is I echo that observation and that concern and we do kind of tackle that at least in one limited area in our comments there is what we refer to as a note of development that's proposed in the area of Lena. Right along Route 50 and surrounding it which we believe would have a pretty major impact on the transportation infrastructure there. And it's really not addressed in the transportation plan.

Ed Fleischman: If we're proposing development in that transition zones you just mentioned. I see no reason why they didn't upgrade the road to four lanes in that area.

Will Moore: And some of that may be not calling for public improvement of the roadways. But who knows when it gets to site plan stage for development in that area if there are then requirements for upgrades at least for a certain section of the roadway. But again I think it's a very big flaw in this plan not to address that and it's of concern for the town of course because we rely on access to and from the east and it's very important that as more development occurs especially in that transition zone that that ease of access is still maintained if you have that kind of choke point that could have quite a negative effect on our community.

Ed Fleischman: Let me just pass on another comment if I might. I reviewed the 2040 bicycle and pedestrian plan map that they had and I was interested to know that the plan maybe was just for political reasons. But the plan so a bicycle and pedestrian route right along Route 50 to Middleburg remove 15 and in order to do that according to the plans cross-section of a bicycle pedestrian would have to take out a huge number of trees and expand the whole road in there. And I don't know if they're really serious about doing that or they just wanted to put in a good number of pedestrian and bicycle lanes to satisfy certain segments of the county. You have any view on that Will?

Will Moore: I don't. I did not review that aspect in detail. But it is something that it's something I'll look a little closer at here.

Eric Combs: Thanks Ed. Don?

Don Woodruff: [inaudible] Support for what Ed is saying. I've lived here for 24 years now and there is no plan. That seems to have coherence. For the development or [inaudible] even to go [inaudible] It may happen it may not and if you're talking about things like bicycle and pedestrian plans. [inaudible] That's my difficulty with this. The other part of it is. How much of what these comments are bringing to the table have any real potential in being integrated into plan that is so development crazy or development oriented [inaudible]. As I look at it and talking to people who've been here for a while. Kevin would probably agree. We've got a group in Loudoun County that would like to they even develop a whole county and [inaudible].

Eric Combs: So it's a great question and I think Will can probably backfill with a lot of detail. Our understanding is is that in the meeting that the Colt elected officials had with Loudoun County the understanding was that the county would be receptive to town commentary with respect to the rural policy area would be very deferential in fact with commentary regarding each specific town. And then would be open to the comments regarding the rural policy area in general that the county would be willing to entertain read I'm not sure what the what the expression was but they would be willing to at least entertain some commentary on the transition policy area. And they I think said that they're almost not even open to any sort of commentary on the suburban policy area. So with that said you'll see that in the Middleburg commentary on this draft plan there is a lot there's a lot of worry and there's a lot of commentary and criticism regarding the rural policy area. And then we also try to shoot the moon a little bit with a transition policy area of the Route 50 stuff. We don't know how receptive the county is going to be to it. But again this being at least as far as we know our only real opportunity. We thought we would still speak to that as much as we can in the document. And you'll notice if you get a chance to look at the other town commentary there is a common denominator amongst the towns everybody seems to be saying the same thing with respect to the rural policy area and to the

extent any of these towns speak to the transition policy area. They're also saying the same thing. We don't want to expand the transition policy area at the cost of the RPA. We don't want to push that boundary west and we don't want to have these nodes that really encroach on the rural policy area. So there needs to be some real direction in that transition policy area that isn't develop develop. So hopefully there is strength in numbers here. Hopefully by all seven towns saying for the most part the same thing that the county can't totally ignore it but we just don't know.

Don Woodruff: No basis for that they are the tale otherwise.

Eric Combs: [inaudible] Kevin please.

Kevin Hazard: Just a couple of quick things. There was a discussion on traffic calming and you and I was thinking as I was reading it you know we want to make sure it stays calm and I just and I started thinking but we sure don't want to bypass and I don't know whether we should make it or not should we just leave the thought out? [laughing]. You know it's a bit because you know that's something that you've seen it happened to other towns they put a. We're going to help you. We're going to take traffic and it kills a small town. So. And the second thought I had is I was reading this going along with what Ed and Don said. Do we have a backup plan if they really stall us to maybe go to the papers or something as a group or you know establish another front. I mean is that viable or is that just suicidal.

Will Moore: I think that's probably a better question for the council as a whole rather than maybe the commission. And certainly if you take any sort of direction to that end the commission could support in whatever way. But that's probably more of a council question.

Kevin Hazard: I'll bring it up Thursday. Might also going on with everybody I read this I thought this is really good.

Don Woodruff: [inaudible]

Will Moore: I think this meeting I hope this meeting will give us a sense to that end. You know at first I was very excited about this plan getting out of the stakeholders committee which essentially drafted it into the commission. But at least according to some of the news articles I've read since the commission has had it I'm not sure it's going in a more of a positive direction at this point. There was even talk about some commissioners proposing just getting rid of the transition policy area. And in a recent news report. So that's obviously very concerning. So hopefully we'll have a better sense after Thursday.

Eric Combs: And hopefully we'll get a sense of whether there are any additional opportunities to get in front of the Planning Commission whether this is truly our one and only on whether we can continue some sort of campaign of at least advocating on behalf of the town and the other towns and rural policy area. Any other questions? Ed please.

Ed Fleischman: Just a factual comment that you might pass on. When I looked at the historic district map on page not really numbered the page but it's page 144 on the historic districts for the county.

Eric Combs: Of which document is it Ed you're looking at?

Ed Fleischman: It's the general plan so it's page well map number twenty 18144. Just a factual comment you can give to some staff person. The boundaries of the historic districts for the county shows the Salamander track in an historic district in Middleburg. And I should correct that I believe. It's just a technical comment. Thank you.

Eric Combs: Any other thoughts regarding the county documents transportation Plan or a general plan? Kevin your point about whether there is a plan B. I think it's a great question. I love to hear councils take on that whether it's a media blitz or who knows what. I know certain council members have been thinking about that issue and not sure quite where it comes out. A lot of it will be resource dependent but I think it's certainly wise to be thinking of what should be done in the event that some or none of this commentary is really heard.

Kevin Hazard: Maybe through Colt.

Eric Combs: Yeah precisely. I think there's certainly a benefit to rallying all the towns in that regard. Ed please.

Ed Fleischman: I'm just looking at their transportation plan. I mean the focus of the transportation plan in the rural area is up in the Percival area where they propose extending Route 7 as a freeway type facility around Percival and extending the bypass that at that kind of level. But there's really nothing in the transportation plan in the Middleburg area. So according to the written word in the document it doesn't seem that they're referring to any bypass or road development in the Middleburg area.

Don Woodruff: I think the issue is it was when I first got here it was an issue to the point that they talked about doing it and then when I first got on the planning commission which was a number of years ago it was brought up that maybe a bypass was a good idea. And as Kevin pointed out what happened very effectively was that the business opportunities in Middleburg said no we like having the people drive through town. I think that's it's a key element. I don't know where they [inaudible] because they can't go that way. [inaudible] I think it would be [inaudible] to the town because I think a lot of the business that goes on during the day even early morning is dependent on the fact that people drive through Middleburg always [inaudible].

Ed Fleischman: Yeah I guess what I'm saying is this plan focuses the development in rural area to the north and Percival and leaves Middleburg alone. As far as I read it which is good.

Eric Combs: Eddie you're referring to the transportation plan.

Ed Fleischman: Yes.

Eric Combs: Yeah there was there was some discussion with the county in that a lot of their statements regarding the rural policy area are somewhat similar in that for the most part they're leaving a lot of the rural policy area alone. But gone are a lot of those very express statements about their real intention to leave it alone ignoring it and being silent about it doesn't really amount to the same level of protection that they had in the previous plan. So that's I think one of the subjects that'll be taken up on Thursday is that truly if the policy has not changed then the articulation of it shouldn't change either. Just because an applicant then can start taking advantage of any ambiguities or vagaries in there. And that's not what I think anyone any of these towns in the RPA really want. So we'll see how that goes over on Thursday. Any other comments?

Will Moore: Would it be helpful for the commission since we do now have the comments from the other six towns would it be interesting to you to have those forwarded to you so you can see what everybody else is writing as well? OK.

Eric Combs: [inaudible] circulate those. Everybody can see at least what the commonalities are and the differences are you know most of the other towns have joint land management areas surrounding the towns and have some sort of common interest with the county in what resources are devoted to those JLMA boundaries and so there is some enunciation of different thoughts in that regard in the different town comments but I think you'll see that there at least there commentary regarding the rural policy area at large it's going to be really consistent with what we've been saying all along. So that's nice to see. Yeah Will if you could forward those around that would be great. OK. Any other comments on Loudoun County materials if not we'll just roll into the regular meeting. Okay great well let's just get started with the regular meeting. Why don't we start with Don. Have you had anybody just announced whether they've had any meetings with applicants or proposed applicants.

Don Woodruff: No.

Rachel Minchew: No.

Kevin Hazard: No.

Terry Cooke: No.

Mimi Stein: No.

Ed Fleischman: I haven't either.

Eric Combs: Thank you Ed. I have I had a meeting with Will regarding with the applicants for the assisted living facility. We had an off line meeting with them here at the town office and the first week of September I believe it was where they discussed and we'll get into it in our discussion items to discuss taking their application in a bit of a different direction and Will and I just voiced some sort of off the cuff concerns about where they were going and whether it had included a lot of the concerns that the Planning Commission had already voiced in meeting and on record. But other than that we haven't had any meetings with applicants.

Don Woodruff: [inaudible] potential problem. Point that out because originally [inaudible] but a lot of people don't see it that way.

Eric Combs: I'm curious Don what if anyone was being specific in their thoughts on it.

Don Woodruff: They were concerned one concern that was raised by one of my neighbors was how big was this going to get. Because it seems to be expanding in its size and scope and how big is it going to get another person said what's the real [inaudible] So there are a number of concerns. Maybe these people will come [inaudible]

Eric Combs: It'd be great if they would come to the public hearing if and when we have one that would be helpful. Ok. No public comments. We have some draft minutes of our July 30th work

session and regular meeting. Rhonda thank you for the minutes. Any comments, edits, changes whatnot regarding the minutes? Kevin please.

Kevin Hazard: I did have a comment going through. We had said in the meeting it's kind of apropos to what Don just said that we were going to have a public hearing at this meeting and. What did I miss? We didn't set it up or. That came out later and I just didn't remember because it didn't come out that we weren't going to have one. But it says in the meeting minutes that. I can't find it.

Eric Combs: I think Kevin what you're recalling is I think we had suggested setting a public hearing for the September meeting for their application. And I think what's come of it is that they've now considered right changing amending their application and want I think to get more of their ducks in a row on that amended application before going to a public hearing. Any other comments on the minutes? I just have a quick question Rhonda regarding the transcript that follows your minutes. Those transcripts seem to be fraught with mistakes and punctuation errors that I think come straight from the live transcription. We're not to pay any attention to that are we?

Rhonda North: Not really. OK. That's why we put a little disclaimer on the top that for accuracy we recommend folks view the video online because that type of transcription does as you can tell have a lot of mistakes in it and if I were to go back and correct those mistakes I would spend as much time doing the minutes as I did before which defeats the purpose of council acquiring this system so that I can spend time on other things. So I guess what I'm saying is it is what it is when it comes to the transcripts.

Will Moore: And the minutes that she actually attaches prior to that transcript they fully meet any requirements we have to keep an accurate record. They could stand on their own. The transcript is more so you have something to go back to. It's a little more detailed.

Eric Combs: I would suspect and I don't know this to be one way or the other but I would suspect that your recap of the minutes that precedes the actual transcript is still way more sufficient than is called for. And I find that to be very helpful in just reading your recap of it and then if there's a question and glancing back at that sort of that rough transcript.

Rhonda North: Yeah I think in this day and age the reality is if anyone were to challenge something they're going to look at the videotape as opposed to looking at my minutes anyway.

Eric Combs: Ok. All right. Anyone happy to make a motion here?

Don Woodruff: Move the minutes be approved as presented.

Ed Fleischman: I second the motion.

Eric Combs: Excellent. All in favor.

Everyone: Aye.

Eric Combs: Hearing no names. It seems the motion passes. Thank you everybody. Kevin. Lucky you.

Kevin Hazard: Had a pretty interesting meeting. We started with a room full of safety patrols which is you know it's typical small town of Americana at the charter school. They had all the safety patrols here and Chief Panebianco's swore them in and gave them their badges and that was just kind of. It's just that that's America at its best. Yeah. [laughing] And we did have a public hearing and it's it was we have a memorandum of agreement with the county and they're going to bill and collect our real estate personal property taxes as well as our vehicle license. No one spoke. It was closed moved seconded and voted unanimously. It was really an administrative process that the county will now collect everything and then just give us back our share. And it took a lot of work off of our you know we have a very small staff and they're going to take all the staff work and we still get the same amount of money because that was the question I asked. I said are they going to you know is there going to be a [inaudible] involved for them doing the work. But no. So that was. With staff reports and Martha Semmes did single out Stuart Will of IES. You know with the roads being redone. Nobody said they were going to raise the level of roads it was going to be a mill and redo it turns out a lot of the items had to be raised and there was nothing in the budget. So Stuart actually has been taking care of that. And if you notice like the meter valves for the most part. You've got to raise them up to match the new road. And he's been taking care of that. And also from Martha Asbury church. You know we did have a contract to make it so it wouldn't fall down. That contract has been completed and I think we actually we've put more than enough money. And then there was actually money coming back which was a very nice thing. And we also you know we have sold that final sale of the building.

Rhonda North: No contracts not been signed yet but it's in the works.

Kevin Hazard: Ok. We're in the process of selling the health center building. And one of the questions I had was you know part of the discussion was well we have a lot of material stored there. And in the interim we have picked up a least a temporary spot to store it. Professional website services 33 people. We're in the process of redoing our website. And they put out the town has put out an RFP 33 responses and I'm sure we've taken pulled it down a little bit so we got a very. We're down to three. We're bringing in three for an interview which we didn't talk about it in our meeting. I don't think. And I have been working and I maybe I should have disclosed this. But I didn't think about it because it's not really you know we own the Asbury church and I've been trying to work with Jamie on some uses or sale of it. And so we have two parties that are interested and you know it's still up in the air. So I don't want to go into specifics but I would like to see something done nice for the town with that property. And so we're working along those lines. So does that count? Is that the kind of thing we want to do? I mean I'm not it's not something that's.

Eric Combs: I don't know that's what we're looking for when we're asking for people to disclose.

Kevin Hazard: kind of town business.

Will Moore: It could be just having a little bit of familiarity with the folks that Kevin has been talking to with regard to one of the proposals. It would involve some necessary changes or relief of changes to zoning ordinance or relief of some standards so there would definitely be involvement eventually. I don't know if it's I don't know if you've reached the point in those discussions where it necessitates disclosure but it doesn't hurt. It's good that we've said it now.

Kevin Hazard: I will stipulate that my involvement is strictly on a town basis and nothing you know no involvement from me or any company I'm involved with. So I think that's also

important. There were two dogs stolen in Middleburg. [inaudible] They have been found and but that was it was kind of a really nice thing and chief brought it up and two members of the town showed up with a dog and and talked about it was quickly solved and it was through the use of social media. They had it blitzed out into the community and all of a sudden one of the dogs showed up at a shelter said take it. You know I think they were stolen to be probably sold and it got too hot. So just to commend the police on that.

Ed Fleischman: Question. How were they stolen? Were they on a leash? Did they go into someone's yard? Do we know?

Eric Combs: They were stolen out of a car.

Kevin Hazard: I don't know.

Eric Combs: They were stolen out of a vehicle at the bank parking lot I believe. Market Salamander parking lot. The car was left running with the windows open for the dogs while the owner had left the vehicle and upon returning. [inaudible] [laughing]

Kevin Hazard: And we have been working on sidewalks for Marshall Street and five bidders and came down to two and we actually didn't take the low bidder. They went back and forth and they found that his bid was not responsive went with the second bidder. And it's and it's I can't remember the concrete company but they've done a lot of work in town and they're involved in this. What we're doing right now. And there was I think it was 126-133,000. Is that close?

Will Moore: Correct.

Kevin Hazard: Staff did that go into the specifics why and I don't think it was Jermaine but they said it was unresponsive and Martin Crim our attorney was involved and they went with the least but most responsive bidder and that was A&M.

Will Moore: It's the same company that just finished our Ridgeview Water Line project and then they were also the contractor on the Route 50 project a couple of years ago. We're very familiar with them.

Kevin Hazard: And we had either a month or two months ago an approved dangerous structures ordinance and Will had brought up the fact at that time and again at our last meeting that if as a step we have to go in and actually do something we ought to have funds available you know to do it. So we can't just say if you don't do it we're going to do it and then they say OK then we don't have funds available so they. It was voted on and approved to put twenty five thousand dollars into a fund for the you know it was a starter for this. This is if we have you go back and read the ordinance but it's specifically for dangerous structures or nonconforming structures that are you could probably explain it better.

Will Moore: Yeah. So it's for something that poses a threat to public health safety welfare. It does not actually though have to reach the level of a threat being eminent so this can be a step that's very useful in a vacant building perhaps or just a building that's not being maintained. If there's a kind of deterioration to windowsills and frames and doors or roof that could pose a threat to that structure. It's longevity. So it doesn't have to be on the brink of falling down. There are separate provisions under the Building Code to kind of address that. But it gives us a tool that

we didn't have before to address. There are a select few properties we've already identified but it also gives us a tool to have in our belt. Should this become more of a problem in the future.

Eric Combs: Does that give you Will? Does it give you the authority to enforce the ordinance?

Will Moore: So it's not at this point in time. There's not a staff person that's been directed for enforcement at this point in time. Carefully. Right. So I'm starting out with it in my in my basket at least. So if we ever get to a step that requires a formal level of enforcement you know we start off and I shared this with council. It's the same way I approach zoning issues we don't start off with the hammer we don't send the certified letter right of way we try to make personal contact. We explain what's going on. We try to solve things through cooperative means. But let them know that hey if we don't get some kind of response toward solving an issue we have something that we'll follow up with if we ever reach that point where at least at first what if this ordinance requires to be formally used in a certain case council will have to take action to authorize that step. There is a process if they become comfortable with one particular staff person or staff position administering that where they could take an action to designate that enforcement so we don't have to come back to them every time. But we're going to ease our way into this.

Kevin Hazard: Couple more items that were up for approval and approved. We now have something we've been working on for a couple of months of code of ethics and standards of conduct. It was voted on and approved unanimously and then something that our new mayor has wanted. And I think it's a really good thing that when ordinance to establish a Finance Committee. And it's I don't know that everybody knows but there is a utility committee that meets with Martha and it's industry professionals and they give her advice on how to proceed with certain things. And this is going to be along the same lines some professionals and basically this is a committee and the objective is long range planning. So to help us. There's already a couple of people that I'm sure that they've been reached out to. And it's no remuneration strictly an advisory committee and I think it's good for the town. And going along with the ethics and I think this is probably a lot to do with with Martin. There was we have to as part of the ethics we have to we had to agree on a definition for you know when is a gift too much. Is it a dollar? Basically anything under 100 dollars was OK. And the other thing that was agreed on let's say the town gives five thousand dollars to something and gets tickets. Well they now longer are going to go to council. They're going to be parceled out through the community just and that's also a good thing. [inaudible] I don't know. I don't know that.

Rhonda North: We're actually not going to accept tickets any longer.

Kevin Hazard: There you go. We're not going to accept them. Which is an even better way to do it. Yeah. I said at the time we get tickets? I never knew about the tickets. [laughing] Economic development. The advisory committee is going to be split. A lot of what they've been doing is agreeing on how to parse. The town has a fund for seed money for groups. Christmas in Middleburg gets money Shakespeare gets money and that kind of ended up the primary thing that EDAQ was doing. And so we're establishing another committee to take care of that it's a culture role and community event committee and it's going to be separate from EDAQ and then EDAQ is going to again be focused on things like technical assistance for existing and securing additional investments doing more economic you know more broad range than down to the nitty gritty.

Eric Combs: Question Kevin how does that new embodiment of EDAQ overlap with or relate to Jamie's role on town staff?

Kevin Hazard: He is still part of it. I mean it's. That's a good question. I'm not. And I know on this week or on Thursday there is we kind of looked at it in rough terms on the 13th. And I haven't finished my notes. But I know that there are in the lead up to our meeting on Thursday. There are meetings on how we're going to establish and implement to two different parts of the committee now. It's going to be two separate committees and they also decided to take the website completely out of EDAQ not in the other and that's just going to be Jamie and Phillip and they're going to vet it along with the staff we've also been working on a memorandum of agreement with visit Loudoun and. I think we agreed at the meeting that this could be signed by staff. And I think it's been signed. Yeah because we're going to sign it afterwards. And we're also looking at a proposal to try and do a taste of Middleburg festival and so that's a it's something that's also going to be ongoing. And there was a concert on the steps. Terry and I were there. And you all missed it. It was my daughter's band and it was really good. [laughing] Yeah. Oh you were there? [inaudible] Yeah they're really good. And we went into closed session and not really much we can talk about there.

Eric Combs: Thank you Kevin. Let's move into our discussion items. The first of which is a training regarding the Freedom of Information Act. You all likely seen the notices from Rhonda regarding the training on Wednesday evening at 5 p.m. I believe that's here?

Rhonda North: Correct.

Eric Combs: Would encourage as many of you as able to attend as possible to do so. Rhonda are you needing RSVP's for that?

Rhonda North: No. No it's not necessary. But as you say we are encouraging as many folks to attend as possible. One of the council's strategic goals is training for its committees and that will be on things like the code of ethics that Kevin referred to earlier as well as FOYA and KOYA. And while the staff can give those this is the executive director of the FOYA council so he will definitely be much better at it than than say I would be. So I would strongly encourage if you can attend to please attend and you can ask him questions and hear what he has to say. [inaudible] I think last year we we said two hours and it was definitely two hours. [inaudible] Sure that'd be great.

Terry Cooke: Rhonda is this going to be the same program that was conducted a year and a half ago?

Rhonda North: Yes. We did this last August and it will be along the similar lines. Of course there are changes to FOYA that occur each year. So it's one of those things that it's good to stay up to speed on it.

Eric Combs: Ok. Our second discussion item we have and there's some materials here from Will the private request to amend a comprehensive plan which relates to the tabled application ZMA 18-01 & SUP 18-01 with respect to the proposed assisted living facility. Will do you want to bring the planning commission up to speed on that?

Will Moore: Certainly so as Eric mentioned in his disclosure of meeting with applicants subsequent to your July work session and regular meeting during which you had a good bit of discussion about the proposals that you had seen to that point coming out of that July work session and meeting because Mr. Hanna who's here and Mr. Orlich they were here for the regular

meeting part of that. They weren't here for the work session part during which there was a lot of discussion related to the comprehensive plan about what we might be calling for in the future relative to what the current Comprehensive plan calls for. Related to assisted living. We were encouraged staff was encouraged by the Commission to provide to the applicants the transcript from that discussion which was provided within a day or two of us receiving it from the company that prepares that transcription highlighted a number of the concerns that the commission had stated a lot of the concerns stated during that discussion were related to scale size of what was being proposed. Although there were a number of or at least a couple of members who suggested just removing calling for assisted living at all from the plan. But so we passed on those comments to the applicants. They did schedule a meeting with Eric and myself. That meeting took place on the 6th of September. The document you have included in your packet here was provided to us the document dated August 17th they provided that to us. At that meeting this document again we're at the comprehensive plan amendment stage possibly of their process. And as you scroll through this document you'll see that this is we've kind of reverted to an issue we had with them before where they were requesting under the guise of an amendment to the comprehensive plan. They were jumping straight to proposed changes to the zoning ordinance. So we discussed that with them during that meeting. I did receive a document Nick emailed to me late Friday so well after your packet had gone out and certainly well after the time during which I would need to provide some analysis of it. So you do not have that document yet. I will tell you that it reads more of a comprehensive plan amendment application documents it citing sections of the plan that they are proposing agreement with or changes to so that's going to take a little bit of time to to analyze. So it wasn't something I could really go into detail with you at this meeting just based on the timing of receiving it. I will share with you. And prior to Mr. Hanna coming up and you can have some more discussion that the crux that I got out of the meeting that the four of us had together was that they had indeed read the transcript but they had focused more on concerns related to quote assisted living as opposed to concerns related to scale of development. So what you'll read in the document is provided as well as what is in the document that I just received on Friday. It's taking a little bit of different direction and proposing a different type of care or a different level of care. They're calling for independent living as opposed to assisted living. I won't go into the details of the differences but it's maybe a lower level of individual care if that's a way to summarize it but so that seemed to be the focus of we hear that you have concerns so we think you have concerns about assisted living so we might change directions to independent living but nothing we saw. Given to us nothing in our discussion really addressed concerns related to scale. And I think Eric stated to them during the meeting that he was never really thinking of the actual level of care that's being provided in this facility is possibly being an issue with it. I think he echoed what I had heard which was it was really related to scale of development and maybe location as well. So that's where we are now. That's kind of the direction that the applicant is looking to take. And I would invite Mr. Hanna to come up and discuss with you. Nick if you wanted to make any opening comments to them about what you and Mr. Orlich are thinking and then I would just encourage Mr. Chairman to give as much deference to the members for discussion. I think we're at a critical point. We've been holding a couple of submitted applications since January but understanding that those could be they certainly couldn't be acted favorably upon absent a comprehensive plan amendment. So we've kind of started down that road but I'm just not sure that we're getting where we need to get to be able to act on something like this favorably. But like I said this is this is a little different now. So I think it's important to give another month or two to think about it.

Eric Combs: Sorry at which point another month goes by we have a meeting next month we'll have the benefit of whatever materials are submitted on Friday and your analysis of them. Ok. Why don't we just jump right in. Nick good to see you again.

Nick Hanna: Good to see you all too.

Eric Combs: Just state your name into the mic.

Nick Hanna: Nick Hanna.

Eric Combs: And fill our ears on this.

Nick Hanna: I apologize about sending it to you late Friday. Well I actually did my head in with rain and being a landscaper. I've been nothing but chaos for the last month. So I'm peer thinking that I had one more week. So that's why I said I know Will needs it a week before so I'll get it to him on Friday and I screwed that up so I apologize about that Will. By no means did I expect to get anything done any sooner. I do have prints of those documents I understand if you guys have your own set system where you analyze and then portray but it's up to you. I completely understand. Dan would be here he actually just had knee surgery both knees replaced. He's good to go but he can't really tie a shoe. So he apologizes he can't be here he would love to see you again. Yes I did submit new documents. I did listen to what you were saying and what Will was saying when we sat down and we met. We combed through that existing comp plan and it actually sets up a good amount of what we're actually trying to do already in that comp plan. So when you read through and you all have the time to read through it we went through their piece by piece and anywhere it did explain it does actually identify independent living and specifies a plan for independent living in the town. Units per acre and so on. So when you read through it and I guess what we'll do is I'm guessing we'll have another meeting like this next month and then go from there. Is that what would happen? I'm assuming?

Will Moore: I think so.

Nick Hanna: So after you read it you'll see in there that you know because we were actually pretty surprised and the comp plan wouldn't have to be amended to a great extent that it is now to support something like this. And we understand 100 present the assisted living. Throw that in there and you get care and you get you draw a certain. I don't want to say type of people but you draw a crowd that's really not going to do certain things that the town needs which is more being in the town working in the town supporting the town things like that so we get that. And that's why independent living would be just people looking for a place to live at that point. And again as far as scale goes it would be set up to where you guys set those ballots set those limits for us. But at least you know whatever we have with the analysis we did it does say at the beginning to the zoning code but it does specify the comp plan in there as well and then has a summary at the end so by all means please if you have the time you go through it and you'll see it and then I guess we'll just touch base on it when we get back to the next meeting. But yeah we are pretty strong on tossing out completely the whole assisted living thing. We understand the reasons why you are not favorable towards that and we think the independent living would do all and more of what the original comp plan is already asking for. From what we read.

Eric Combs: Thank you. Nick have your thoughts with respect to scale [inaudible]?

Nick Hanna: It's again when we're looking at. Because right now like in your comp plan or in your zoning one of the two correct me if I'm wrong about this Will it does state 10 units per acre and like apartment size dwellings and so like that even in historic residential neighborhoods are even saying five units per acre. So there is in the comp plan already saying for a larger scale

whatever it is town homes apartment building homes is already citing more than just 45 units. So that's why we you know we're going with the original comp plan. We're seeing that it's already setting it up for something like this it states independent living it states an array of different people whether it's young old 50 and above. And what we're trying to do is take folks that are 30 40 50 and then move them up to where they're 70 80 and it's pretty much setting us up for that already in the original comp plan. If you read the language. So as far as scale goes again I mean some of it says 10 per unit 10 acres per unit some says five. So we're just saying right in the middle at 8 is what our goal would be. And then again the town would have the ultimate say on cap. Hey this is what we'll allow for this special use permit. You know so that way again you don't get large conglomerates coming in here and trying to build stuff. You guys are always in control of the cap on the amount of units per acre. But again the I mean the comp plans we're reading through this thing it keep saying is setting it up just for exactly what we're trying to do. So as far as scale I mean again it would be really up to you guys but we'll have to go with the comp plan amending it. It's almost setting it up for between five to 10 units per acre. In a nutshell. There's a lot of language that goes with it obviously historic not historic apartment residential but really it's between five and 10 acres per unit.

Eric Combs: And so when we sat down the four of us a few weeks ago. Your thoughts on scale were the same as they were regarding the assisted living facility meaning the size of the development. Is that still the thinking?

Nick Hanna: Yes only because again economic reasons by the time of purchase the land clear land get it ready and build. We'd have to have a certain amount of units per acre actually I mean come out even. So with that our projected hope is eight units per acre which would put it at 120. Correct? Yes 15 acres. Yes roughly 120 units. And it does actually say in conservancy area the original comp plan does say in a nutshell again I'm not reading language exactly. To turn it into something whether it be independent living or something that does promote senior activity in the town. So hoping for [inaudible] between 5 and 10 with the original comp plan is already saying basically is what we're trying to do.

Eric Combs: OK. But sounds like I'm eager to see what the materials are that you all.

Nick Hanna: I mean we really come through it.

Eric Combs: Any questions for Mr. Hanna or comments regarding them to you as we have here? Please Terry.

Terry Cooke: Can you give us an example of an existing community somewhere in the general vicinity that might be similar to what you're proposing here? When you say independent living. I mean if you look at the real estate section in the weekend paper it's full of ads for communities that are promoted as Senior Living for active adults. Or some other euphemism. But it's basically folks who are 55 and over who you know are living their lives and the community has certain amenities and whatnot that are attractive to them. Is that what we're talking about now?

Nick Hanna: Basically yes and of course it all comes down to whether the town would allow us to do and what the people in Middleburg in a public hearing for example would allow us to do as well. But you know and again in a nutshell basically independent homes or town homes being split level. So working with the grade we've gone back and forth the idea of possibly having whether you call them cottages or town homes whatever they are where the front would be one level living the back would be another level living so you'd have to level down homes that would

look like one town home but you could have two people in them as you get older where you become less mobile and not able to do more and more tasks like cleaning and so on. Or it just becomes tiresome you can then move into more of a group living place where it's not assisted living. I mean again I get why we don't want that. We draw a crowd where there's people that are just staying in that one place where we are as a town you are trying to get people in the town to work to spend money to do things like that. So this would be more of independent living but not necessarily a system where there's a consistent care but where they have people that will help clean where it's more group housing where there's a dining hall and so on where they don't necessarily have to always leave to go do things they can more stay around. Whether it's a condo or apartment whatever it is and they can stay there versus having to constantly have to get in their car to go get food stuff like that. So not to the full length of assisted living but independent where they still are not. I'm sorry. They still are immobile to the point where they can do what they have to do. And we're not to the point where assisted living where they are stuck there all day and need assisting care. Does that answer your question?

Terry Cooke: Well again. Can you [multiple speakers].

Nick Hanna: I can't because it's because you'll have let's say Sunrise where it is solely assisted living. What we're trying to do Dan has done down in Florida and other areas where you move up on the same property. When you ask that question are you looking for something in relation to our idea of what we're trying to build or the idea of how many units per acre that are in the town. I just want to clarify that just in case.

Terry Cooke: Well I'm more focused on what it is. The physical and social aspects of the kind of community that you have [multiple speakers] green spring comes to mind green spring and others like green spring or various levels of care. There is independent living but there's also assisted living and then there's Alzheimer's care.

Nick Hanna: Yes. And that was the original idea which was to have those cottages/town homes where you're 50 and above and you stay in those. And then when you get to that point where you're becoming less mobile and you need more care and you need more help with things then you move into the main building which would be the assisted living building. And we heard the town and we read what you said and we get it 100 percent. So instead we still like to bring these people into town but when they get to that point yes then they can stay there if they are less mobile and get in home care where something comes to them and takes care of them for certain hours a day and then leaves. But it would not be a full on facility with mental care and so on it wouldn't be like that. It would be people that are just more older and they want more of a group living situation where they are just a knock away from a neighbor versus you know a walk away. That kind of thing. But it would be the step up. So we would like to have these units down below on the lower part of the hill where you are likely being in a town home or an apartment where you feel more mobile and then as you get older you can move into the more group home building. But we're kind of steering away from that whole medical care assisted living where it's going to be this whole big doctors and Memory Care and so on were steering away from that. Now we're just trying to just build a place for people to live basically. Thank you.

Eric Combs: Other questions? Don.

Don Woodruff: One of the concerns expressed by some people in the town to us has been. [inaudible] that across the street from where you are proposing to put this in we have an interest [inaudible]. OK. You're going to have a 120 units with potentially another 120 vehicles coming

in and out what they consider a dangerous area. I can understand the concern. [inaudible] I could see the number of cars coming in and out with frequency could be rather troublesome or dangerous. How would you address somebody expressing that concern?

Nick Hanna: So when we first originally looked at the property. Me being a designer in my profession I always look at a piece of property and the first thing I look for is I start picturing what can happen where and so on. And the one thing I really liked about is that we have route 50 being one part of the entrance and then we have drawing a blank right now. There is a street that is connecting to the side of the entrance where the actual main sewer line everything runs underneath. [inaudible]. Thank you. So we always said. Is it not [inaudible]

Will Moore: [inaudible] about actually connects to the piece of land [inaudible] talking about the dead end of East Marshall Street.

Nick Hanna: East Marshall is what it is.

Will Moore: It dead ends. There's actually a dedicated right of way that goes beyond the physical limits.

Nick Hanna: Yes. So when I first looked at the land I saw them and I said well this is having two entrances to anything. It's always a huge plus because that way you're not flooding one entrance with everybody. When we got more and more into depth with the project and we sat down that's when the planning commission stated a traffic study went ahead and we hired the engineer to do a whole traffic study of the area with the aid. Now again if we were just building homes or town homes and we were going to have folks that were 20 30 40 where they are still working full time jobs and so on then I can understand presenting a problem when you take the age and the scale that we're building and the people that already live in Middleburg. And at that age most of them aren't working every single day normal hours 7-5 that kind of thing. So the actual rush hour that would be coming out of that lot wasn't tremendous. And that's when we did the study and he said that it would not propose a problem whatsoever to the amount of traffic that is being in there now being right in front of that [inaudible]. We did propose that problem as well and the engineer said that it comes down to the [inaudible] being a place of business where you are not going to be. It's not a business where people are driving in at a certain time and leaving at a certain time. So he took that into accountability. So what he did he did all these measurements of statistics he did everything from Fairfax County or Loudoun County and even Fairfax County pulled the information from D.C. when businesses are busy when or not and so on and that's when he came up with a study and he said that actually does not pose a problem at all due to the fact that the age of people living across the street and the type of business that it is on the other side of the street. So when you put those two together yes on a Friday night more people will be going to the [inaudible]. But on a Friday night you're not going to have you know 56 year old folks you know heading out. You know if anything with the walking past will be in walking distance of town as well. So they could always walk into the town. So the traffic flooding into 50 won't be high at times and low at times it will just be consistent in and out with the people. That's what the traffic study had come back.

Don Woodruff: Sorry but I don't see people walking from that area to the Red Fox [inaudible].

Nick Hanna: I get that. And again when we when we saw that back entrance we always said that is a possibility. Whether they do or not I mean it would be lovely if they did. We always did propose the walking trails through the town or through the area that connect to the town through

the whole piece of the property to try to encourage people to walk into the town doing that. But again going back to traffic study when we did that study it didn't come back. It would be a problem. And he ran through some serious data. I mean everything to the Army Corps of Engineers the information he had gotten there previously for the wetlands that are in there. He really did his job well and he ran all the numbers and it wasn't going to be just big cluster of cars joining there at a certain point.

Don Woodruff: So a question that arises then. 120 units of 15 acres. That's fairly dense. Especially for Middleburg. What type of support structures and facilities you need to have there to make the people who live there comfortable that lawn care is being done facilities are being maintained et cetera. [inaudible] Somebody has to manage the facilities.

Nick Hanna: Absolutely. And we would have management while pulling in the big thing again was to support Middleburg. We want to be join Middleburg as an actual partner in all of us. We don't just want to be a business that comes and does something and then sells it and leaves. We want to be a part of Middleburg so we would source out to as many small businesses in Middleburg to help us with those management activities. And if there's things for example the lawn care is too much or the maintenance is too much around the property we can always hire people on to help with that but we would still source out as much as we can in Middleburg. Now when we initially looked at this we did look at companies that were sourced to Middleburg. There's not many that do lawn care in Middleburg but the best we can do is things everything from fertilizers or plants or whatever we could source things from southern states and other small inertia. There was a small industry here in town that could help us with other things but we would do as much we can as close to town as possible whatever we can't reach in town we would reach outside of town but as far as taking care of the people in town again depending on how many are allowed units per acre would depend on that. At that point we would come up with a whole plan of course to present to the board on how we would make sure that things stay clean neat and organized. So there is never anything that is where because when you build that dense on a property I get it. Things can get a little overwhelming after a certain amount of time. But these [inaudible] that Dan has with building these types of things he's been able to control things very well.

Don Woodruff: [inaudible] You still have [inaudible] You have to have road ways. I'm wondering how you fit all that in with the density of 8 per acre. Cause that's an eighth of [inaudible]

Nick Hanna: Absolutely. So if we did. Which is why we have a smaller amount of the cottages/town homes and then more and a centralized building because that way if it's more of a centralized building it's easier to care for maintain. Plus having 120 units spread out on the property it's feasibly impossible because the amount of open space it needs to be capped. So in order to go by those rules of open space we have to kind of stick things up on the hill a little bit more.

Don Woodruff: In your proposal or presentation to Will from last Friday. Are you saying how many are going to be in this structure?

Nick Hanna: Total.

Don Woodruff: No because I'm interested in. OK. How large is this structure gonna house a third of the people. How many cottages are there going to be. Because if it's all cottages it seems [inaudible].

Nick Hanna: I wouldn't work. We would love to do that but it just wouldn't work. So. In total we're talking between 100 to 120 units in total. So between eight to 10 units per acre max. in doing that the cottages like I said would hold two dwellings one on the bottom one on the top. Again depending on what engineering that the town allows to that will depend on how many people would actually be in the main facility but I would estimate probably 70 to 80 units in the main building. The main building we would take it at two to three stories tall again whatever the Planning Commission would allow us to do. And some of it would be underground and that would be [inaudible] you know whatever needs to happen for the building would be underneath the ground but again the size of the building would be up to you guys. But I'm estimating between 70 and 80 folks would be in the actual building itself. Does that answer your question?

Don Woodruff: Yes. [inaudible]

Nick Hanna: Make sure I'm answering questions as well because I can start ranting on about god knows what [inaudible].

Eric Combs: Nick are you considering having amenities on site for the folks who live in the independent living development.

Nick Hanna: Clarify amenities for me.

Eric Combs: Swimming pool dining options things of that nature or would they need to avail themselves of amenities within the town or elsewhere?

Nick Hanna: We want to try to get them into town so when we heard what you said about the assisted living we listened we said OK assisted living they don't want it. So what can we do that we can still do economically again. Make it worth buying the property building. But listen to the town and say they don't want us [inaudible] what can we do and that's where the independent living came in. So amenities on site possibly a swimming pool of course you know just so that way the people in the main building have something to do as far [inaudible] and so on but dining hall I'm sure there'd be some type of cafe or something inside the building for a quick things if it's 11 o'clock at night and you need to grab something we get it if you don't want to have to walk all the way into town. But we are going to kind of close that idea of having so much at that one building and getting people into the town. You know what I'm saying? Again to make this more favorable for the town. We want to get those people into Middleburg and then use Middleburg for everything that they want to do. But yes there would be probably some type of swimming pool a gym so on stuff like that. So that way when you do move into that main building because you're less mobile at that point you don't have to travel so much to do simple things like go get a glass of milk or whatever it is a carton of milk or tissues or whatever it is you can go to a little store down there. But we are going to close that hole big where we're going to have everything one stop shop you're in the building and never have to leave. That's kind of squashed at this point which is why we're saying just independent living first. So we only want to change the name. We want to change the building itself the look of it and everything and you saw the picture. I mean it would be absolutely gorgeous. But again I see what you're saying where we want to get people in the Middleburg using Middleburg and not only in the building and we've addressed that and again I mean this is still early development so we still have a lot of planning to do and we are

going to plan this in conjunction with the Planning Commission. So if you guys are like look we don't want as much in that building we want you guys more in the town then we'll take that with consideration obviously and plan around. The whole plan of this whole thing was to work with Middleburg with the Planning Commission and build something that is going to be good for Middleburg not just good in general. There's a lot of reasons and your comp plan is supporting those reasons as well and that's why after we read that we said well the assisted living can't be part of this. We get it. It's not in the comp plan it's not there's no big screen for it but there is a screen for people saying hey I'm getting older but I want a more comfortable place to live that I don't have three acres to maintain or 50 acres or whatever it is. But yes to answer your question there would be some amenities but not overboard where we get more people in town.

Ed Fleischman: Nick with 120 units approximately what kind of occupancy number of people per unit would you expect or would you build for?

Nick Hanna: So hard to tell because we still we've done some research on Middleburg but there's only so much research out there because it is a smaller town. So if you take a town of Vienna for example vs. town of Middleburg town of Vienna is huge so you can get more information about age of people when they're leaving their homes when they're moving into facilities and so on. We don't get that much here so it's hard to say. I would estimate it at a 70 percent to 30 percent is what we've talked to engineer and talked to other people about where 30 percent would be more single and 70 percent would be couples. Do I see families being in here? I don't. But just from speculation. We've said we can see more couples living in these units and then a small amount would be single. Where they're better half has passed on or so on and they just need a smaller place to live that's easier to maintain and so on. So we came up with the 70 30 mix as a rough guideline obviously but we don't have real facts to go off and there's been no real studies to be able to say OK we could pull this study pull that study and we can come up with a number. But that was our estimation.

Ed Fleischman: So Nick if you're looking at the region you're not going to drop people necessarily for 120 units set. You know that's almost 200 people. You're not going to draw them from Middleburg you're going to be in competition with the region as a whole. There are a lot of over 55 communities that are here. So that's your market. So on the financials would you anticipate it being a pay per month or selling units as condominium type?

Nick Hanna: And that is a very good question. We've gone over that. And that's going to come down to how many units per acre we can build on there. If it's less then we're probably going to have to do something where it's rentable to where it's going to take a little bit longer to make it where it was worth us building on that land. If it's a little bit more than at that point we can possibly keep the main building as the main building we'll probably maintain a renter you know lease kind of deal where folks say I'm done with this I'm selling my land I'm selling my farm whatever they're on and they move it to a place where they just have a lease and that's it. And they can do whatever else with whatever money they have. But the cottages would possibly be bought and then sold. So we're still up in air with that because we're not sure how many we can do per unit. It all comes down to the economics of the whole thing. What will make it worth it to be able to buy the land construct and make it to where we're not you know in the red on this whole thing. So it's hard to answer the question at that point. We have to wait to see [inaudible].

Eric Combs: Any other questions for Mr. Hanna? Well we look forward to seeing the new submissions supporting materials you had we listened to what you said. You read through it and we've read through it. So I hope we did it to your expectations at this point. And then Will I

guess just let me know if there's any questions or if there's any discrepancies with it. And I will respond as soon as I can and again I apologize. [inaudible]

Will Moore: I wanted everyone to understand why you don't [multiple speakers]

Eric Combs: I suspect that after reviewing the materials I look back at what we went over in July. The transcript that you all got and the video that you all saw and I didn't quite see the distinction between assisted living and independent living. I didn't see us as a planning commission picking up on that distinction. The one that you all have run with with the new materials and I find it interesting that is an interesting distinction. I think a lot of the concern being voiced here was on this scale on the size of the property and I think we're still going to run into that issue upon review of your new materials and when we see you back again next month. So with that said perhaps you all can be thinking about that on your end.

Nick Hanna: And we have and that's when we went through the original comp plan. It wasn't 100 percent describing the amount of units that we're saying but it was a good starting point for it. And that's when we started because we said we look back and we said OK they are concerned about the amount of units per acre. And when you get to that certain point it does become economically not possible and then we come through that comp plan and we are looking and we're looking and we're looking we're like well wait a minute you know it is kind of stating something not of this full size but close to it while supporting seniors while supporting [inaudible] all the stuff that this would do. So when you read through it you know go back if you have the time look at the comp plan and we'll kind of compare that when we meet next. And I don't know from what we were seeing it was there was almost a stage that was built for exactly what we're trying to do. In the original comp plan. So we have been talking about that. But again economically we have to try our best. We want to make it happen. You know we know would be a great thing for this town. It will create some so much. As for I mean jobs I mean we're not you know Verizon here we're not going to create 20000 jobs but we're going to create traffic we're going to get people. We're going to create tax dollars we're going to there's a lot it's going to do for the town and we're going to do in a very tastefully way. We're not going to do it in a way we're just building apartment buildings or something like that we're going to make it look great we're going to make it near the town. [inaudible]. And we're going to in a way we're we're going to be respecting the town and working with the town and the whole process.

Eric Combs: Well before I close us out Mimi.

Nick Hanna: Yes ma'am.

Mimi Stein: [inaudible]

Nick Hanna: And that's a very good question. And because we're going from assisted living to now independent living that term is going to get changed to where they were rooms but now they will be either apartments condos or whatever it is but we haven't figured that out yet. And again that's going to totally depend on what the town allows to build per acre because if you guys say well let's say the building yes we allow 8 units per acre. OK we can sell them as a smaller condominium or smaller apartment or rent them as a small apartment I'm sorry but let's say they're smaller or I'm sorry the amount of units per acre smaller than we have to say OK we maybe have to call them condo so that's going to totally depend on what you guys allow us. Does that make sense? Because I want to answer that question so bad because I know it's a very important question because we don't want to be renting rooms we want to be leasing apartments

or high end condominiums. I get that but if there's only a small amount or a large amount that's what will make that wording kind of change around a little bit. A lot of it have to be planned before I could say exactly what that would be called. Do you know I mean?

Eric Combs: Thank you Nick.

Nick Hanna: Thank you. I appreciate you all's time. Thank you so much [inaudible]. And if you need anything else from me Will please let me know. I'll get it to you as soon as I can.

Eric Combs: Okay rolling into our next item. We're scheduled for an October meeting on Monday October 22nd. Does anybody anticipate having issues with that date any conflicts? Great. Looks like we'll likely have a quorum. Any other discussion items that anyone wants to address that weren't on the agenda? Yes please.

Terry Cooke: This goes back to the comments on the [inaudible] plan. Can someone tell me why we're not a JMLA. Why did Middleburg not to do that.

Eric Combs: You know that's a great question. I wasn't around whenever a decision was made regarding whether we were to cooperate with the county on setting JLMA boundaries. But my thought was that establishing a JLMA a boundary around a town is essentially a precursor for more development around that area. And I think the overwhelming public input on that issue here has been to not encourage and don't end up development around Middleburg. And so don't further encourage Loudoun County input on delivering services or or anything within that boundary. I could be wrong on that. I don't quite know but that's my gut on it.

Will Moore: I think you're correct. Obviously I wasn't here at the time but just reading through the literature. There's constant reference and it's actually reflected in the draft 2040 plan yet. The couple of sentences that they give to Middleburg in their reference the fact that Middleburg has long preferred what is referred to as the hard edge of development. So there's a very clear delineation of where the developed corporate boundaries end and then you're in the rural area and the JLMA do exactly what you're saying. They encourage it's almost like our own little transition policy area between us and then the rural policy on small scale. So it encourages development but gives input from both bodies into that development right around actual borders and that was something that the town was not interested.

Don Woodruff: That's exactly right from my recollection of the past [inaudible] years is that it was intentional so that area will say rural and that it will not be as somebody put it [inaudible] development around the perimeter of Middleburg and that the inherent in the character of the town is the character of that land that is adjacent to it. And if you want a clearer example is the development of Salamander and that was really encouraged that a large portion of that property would be put into an easement and protected for those for that purpose. And I think it was successful for that reason.

Eric Combs: Another good example to look at recently is Round Hill. I don't quite have the dates on it but Round Hill established a JLMA with the county. I don't know how long ago the county started delivering services. I think utility infrastructure and early supporting it within the JLMA boundary and Will was it last year or even perhaps calendar year 2018 Round Hill I think approved the town approved an expansion into that JLMA of the town boundary which will in effect double the size of the town's population. So it really was that precursor for development for Round Hill. I think everybody perhaps in Middleburg was just suspicious. Ed please.

Ed Fleischman: So when I looked at the county 2040 plan and the transportation plan I really thought the plan gave Middleburg that hard edge and no development in this whole area on this corner of the county and those areas that had JLMA that's where they are pushing development and they're pushing the road construction up in the Percival Round Hill that whole arc. So I think when I looked at the plan I said that really that Middleburg is set separately from all that development in the north. I thought the plan really protected Middleburg from development.

Don Woodruff: 25 years ago. Nobody believed that Percival would develop the way it developed with Round Hill being immediately adjacent to it and there's no doubt that's true. But I think the fear then was that if [inaudible] and Percival almost co-join that it will then start [inaudible]. And if you look at Road 611 coming out of Percival they're moving right down the road.

Ed Fleischman: Well Don what you said about Percival moving into Leesburg I mean the plan shows that they're going to build a free you know continue the freeway right through Percival that whole corridor and that whole corridor is going to be developed.

Don Woodruff: [inaudible]

Ed Fleischman: Well the plan doesn't show any development [inaudible].

Don Woodruff: All the way out including well into what is now the dominant developed area of Percival on the south side of the town. I don't think there's any doubt that the intent is to continue to develop down the road because they can use other accesses to get to wherever they need to go for employment. They'll do that and as you say. Make the roads bigger.

Eric Combs: Yeah. Ed you bring up a good point. I think this draft the 2040 plan it doesn't really change a lot of the announcement of the policy around Middleburg it's stripped away some of the statements regarding cooperation between the town and the county that we're in the now current plan. But I think what the seven towns are really picking up on is that there is all of this potential development slated and earmarked for the transition policy area. And once that transition policy area goes. Right exactly. And so that's that's where I think a lot of the pressure is hoping to be applied. And we can of course get some more statements about Middleburg in there but really I think a lot of the effort is going to go into that TPA related stuff so we'll see how it goes. OK. Anything further? No? Thank you everybody.