



**TOWN OF MIDDLEBURG
PLANNING COMMISSION
WORK SESSION & REGULAR MEETING MINUTES**



**MONDAY, APRIL 24, 2023
PENDING APPROVAL**

PRESENT: Terence S. Cooke, Chair
Donald Woodruff, Vice Chair
Edward R. Fleischman, Member
Rachel Minchew, Member
Mimi Dale Stein, Member
Morris “Bud” Jacobs, Councilmember

STAFF: William M. Moore, Deputy Town Manager/Town Planner
Rhonda S. North, MMC, Town Clerk
Estee LaClare, Planning & Project Associate

ABSENT: H. H. “Dev” Roszel, Member (excused)

The Middleburg Planning Commission held their regular monthly meeting on Monday, April 24, 2023 in the Town Hall Council Chambers. Chair Cooke called the work session to order at 6:30 p.m.

Discussion Item

ZMA 23-01 & SU 23-01: Rezoning and Special Use Permit for Inn - 204 E. Washington Street

Deputy Town Manager Moore reminded the Commission that in February, they began holding discussions with the contract purchaser of the former Washington Fine Properties property about changing the use to an inn. He further reminded the members that the first step in that process was a zoning text amendment that would allow inns as a special use in the C-1 District, which the Commission initiated. Mr. Moore advised that the applicant had since filed the special use permit and rezoning applications and noted that this was the Commission’s first time looking at them. He reminded the members that the application involved two lots – one that fronted on East Washington Street and one that fronted on Marshall Street, the latter of which has been used as a legally non-conforming parking lot that supported the office use. Mr. Moore reported that the rezoning application was to change the zoning of this lot from R-3 Residential to C-1 Commercial. He noted that the Commission could view the rezoning application separate from the special use permit application; however, the current property owner did not wish to pursue the rezoning if the special use permit was not successful. Mr. Moore explained that because of that, the two applications should advance together. He advised that the rezoning application included a proffer related to the consolidation of the two lots if the application was approved, which would mitigate the impacts of the rezoning. Mr. Moore advised that the special use permit application contained a narrative outlining the applicant’s vision. He noted that there was a disconnect in that the floor plans showed nineteen rooms, whereas, the narrative talked about twenty and explained that one room was a two-room suite, which the applicant hoped to convert into two individual rooms. Mr. Moore noted that the staff had heard concerns expressed by the citizenry about changes to the building’s front façade and advised that the applicant was not proposing any changes to it. He reminded the Commission that if the application was approved, any changes, including the proposed additions to the rear of the building, would have to be reviewed by the Historic District Review Committee. Mr. Moore noted that the applicant’s narrative talked about the low availability of lodging facilities in the area and reported that the Town’s Economic Development Advisory Committee discussed this question on a high level and reached a consensus that additional lodging facilities would be desired, and was important, if they were quality ones. He noted that they had no feelings as to whether they should be located in the C-1 District. Mr. Moore advised that they did discuss that inns were currently allowed in the C-2 and C-3 Districts; however, there were no

opportunities to create an inn in the C-2 District. He advised that there could be an opportunity in the C-3 District on Federal Street. Mr. Moore noted that the applicant's narrative referenced the history of having an inn in the general location of where he was proposing one, but on the opposite side of the street. He reported that the narrative indicated the proposed inn would contain a restaurant that would be limited to 1,050 square feet and would take up much of the first floor of the existing building. Mr. Moore advised that the proposed wing additions would contain guest rooms. He reminded the Commission of the need to provide off-street parking for the inn and restaurant and advised that the plans showed sixteen spaces on the property. Mr. Moore noted that the requirement would be for twenty-six spaces; however, this number could change as the plans were refined. He reminded the Commission of the ability for the applicant to pay the in-lieu-of-parking space fee and explained that when this occurred, the money was used to support public parking. Mr. Moore noted that the on-street parking in this area was for eight hours; however, those spaces could not be used to count toward the parking requirements.

Chair Cooke requested that Town Clerk North call the roll. All the members were present, with the exception of Commissioner Roszel.

In response to inquiries from the Commission, Deputy Town Manager Moore advised that the proffer would only apply if the rezoning was approved. He explained that if this occurred, the two lots would be consolidated into one; however, if the rezoning was not approved, the proffer would be moot. Mr. Moore further explained that proffers must be voluntary, meaning the applicant voluntarily offered them. He advised that proffers could be withdrawn up to the time of the Town Council's public hearing on the rezoning; however, once the public hearing was held, the proffers must stand. Mr. Moore explained that they were binding if the rezoning was approved. He reminded the Commission that localities could not require the submission of proffers under the State Code.

Vice Chair Woodruff advised that based on past discussions, his perception was that the restaurant would not be open to the public.

There being no further business, Chair Cooke adjourned the work session at 6:53 p.m. He called the regular meeting to order at 7:00 p.m.

Disclosure of Meetings With Applicants

No meetings with applicants were reported by the members.

Approval of Meeting Minutes

Vice Chair Woodruff moved, seconded by Councilmember Jacobs, that the Planning Commission approve the March 27, 2023 work session and regular meeting minutes as presented.

Vote: Yes – Commissioners Woodruff, Fleischman, Minchew, and Stein and Councilmember Jacobs

No – N/A

Abstain – N/A

Absent – Commissioner Roszel

(Chair Cooke only votes in the case of a tie.)

Public Hearings

Chair Cooke explained that three separate public hearings would be held related to the same property. He further explained that each application would be evaluated separately. Mr. Cooke encouraged the speakers to limit their comments to the topic of the public hearing that was open at the time. He reviewed the rules for conducting a public hearing.

Zoning Text Amendment 23-01: Amendment to Middleburg Zoning Ordinance Pertaining to Inns As A Special Use in the C-1 Restricted Commercial District

Deputy Town Manager Moore explained that what was before the Commission was the broad question of whether the zoning ordinance should be amended to allow inns as a special use in the C-1 District. He advised that it would not be a by-right use and explained that in order to establish an inn, an applicant would have to apply for a special use permit, which would be considered on a property-by-property basis. Mr. Moore advised that amending the zoning ordinance would not imply the use would be allowed at any location in the C-1 District. He explained that by definition, an inn could include a restaurant; however, it did not have to do so. Mr. Moore reported that an inn could contain between four and twenty guest rooms. He noted that the item before the Commission was not property specific.

Marc Chretien, 3639 36 Road, Arlington, appeared before the Commission representing his application. He reminded the Commission that he owned the distillery and the cider barn located on either ends of town. Mr. Chretien explained that he hosted events at the cider barn and advised that there would be synergies if people could spend the night in Middleburg. He advised that he and his team would like to have a residentially scaled inn and restaurant in an historic building. Mr. Chretien further advised that at the beginning, breakfast would be served for his guests and dinner would be served some days; however, it would not be served seven days per week. Mr. Chretien advised that the plan was for a small, quiet restaurant. He noted that the plans always called for it; however, the details were still under development.

In response to inquiries from the Commission, Deputy Town Manager Moore explained that a bed & breakfast was an owner-occupied, low intensity use, with a maximum of three rooms. He further explained that uses were established as special exception uses in a district when they were seen as being worthwhile for consideration, but each applicant needed to be examined individually with respect to its context. Mr. Moore advised that the zoning text amendment was proposed as it was because the idea was that an inn should not be allowed necessarily anywhere in the C-1 District and that each application should be evaluated on its own merit. He advised that inns were also allowed by special use permit in the C-2 and C-3 Districts.

Jane Covington, 20568 Foggy Bottom Road, Bluemont, advised the Commission that she owned a business and property in Middleburg. She noted that she was working with the Town on the restoration of the Asbury Church and advised that parking for that building was a consideration of what was an appropriate use. Ms. Covington further advised that on-street parking on North Jay Street was valuable with regard to the successful adaptive reuse of the church. She noted that she supported right sized infill development and increased intensities of use, as they benefited her business; however, she did not support this, as she felt it would destroy options for reuse of the Asbury Church.

Megan Gallagher, 214 E. Marshall Street, asked the Commission to deny the zoning text amendment. She reminded them that half of the C-1 District was located adjacent to the densest residential neighborhood in Middleburg and opined that the high impact land use of an inn would be in conflict with the role of the C-1 District. Ms. Gallagher opined that the text amendment could lead to the development of an inn that would be nearly as large as the Red Fox Inn. She advised that parking was already limited in this area. Ms. Gallagher reiterated that the C-1 District was intended to serve in the role of being a transition area between residential and commercial uses. She opined that the Comprehensive Plan recommended tourism development be focused in the core commercial area. Ms. Gallagher suggested there were no provisions in the Comprehensive Plan for a major hospitality business on either side of Route 50 and opined that it did not make sense to have one in the C-1 District. She asked that the Commission retain the integrity of the Comprehensive Plan and the Town's commitment to having low impact uses in the C-1 District by voting against the zoning text amendment.

Michelle McNaughton, 204 E. Marshall Street, opined that no research or studies had been conducted on the proposed zoning text amendment. She advised that the amendment would negatively affect twenty properties due to (1) increased traffic, which would pose safety risks and have a negative impact on the Police Department and first responders; (2) increased noise levels in the area; and, (3) impacts on the character and balance of the community. Ms. McNaughton opined that it would open the door to additional commercial development that would not be compatible with the residential character of the neighborhood. She suggested there was also the larger issue in the precedent it would set. Ms. McNaughton opined that it would be irresponsible to approve the zoning text amendment without further study of its impact.

John Pittman, 12 Piedmont Drive, opined that there were two issues – the rezoning and the impact of the use on other C-1 District areas. He asked that the Commission look at the total impact of the proposed amendment on the other properties. Mr. Pittman opined that an independent Town assessment was needed on the rezoning request and the inn, including their impact on the surrounding areas. He asked that all concerns be evaluated. Mr. Pittman further asked that if the Commission proceeded with this request, they hold a follow-up public hearing and allow the community to ask questions. He opined that a vote was premature at this time.

Guy Dove, 209 E. Marshall Street, advised the Commission that he was in support of the zoning text amendment. He opined that the Town needed additional parking and a food/beverage establishment. Mr. Dove further opined that ten years ago, the Commission could have done a better job with the parking next to the church and suggested the need for a multi-story parking lot. He reiterated that he supported the request.

Deborah Martin, 208 E. Marshall Street, advised that she was not concerned about the inn itself; however, she was concerned about the traffic it would generate. She opined that it could be noisy. Ms. Martin advised that she would love to have more businesses; however, she did not want them in front of her house.

No one else spoke and the public hearing was closed.

Chair Cooke suggested the public hearings be held for each item and that the Commission then discuss them.

Zoning Map Amendment 23-01: Ordinance to Conditionally Rezone Approximately 0.26 Acres From R-3 Residential District to C-1 Restricted Commercial District – E. Marshall Street

Deputy Town Manager Moore reminded the Commission that this property, which fronted on Marshall Street, had been used for years as parking to support the office use at 204 East Washington Street. He advised that it was a separate lot that was currently zoned R-3 Residential. Mr. Moore reiterated that the parking was a legally non-conforming use. He advised that the Comprehensive Plan did not advocate for a specific use or zoning district; however, he opined that a C-1 zoning designation was the most appropriate, as it involved the least intensive uses and the property was already partially surrounded by C-1 properties. Mr. Moore reported that the Comprehensive Plan recommended the south side of the entire 200 block be zoned for commercial use in the future. He reminded the Commission of the associated proffer, which would require the two lots to be consolidated if the rezoning was approved. Mr. Moore noted that this would mitigate the impacts of having a separate commercial lot on Marshall Street and would allow it to continue to be used for parking to support the commercial use at 204 E. Washington Street.

Megan Gallagher, 214 E. Marshall Street, noted that the owner said they did not want the property rezoned if the inn was not approved. She opined that the R-3 zoning designation had served the lot well and encouraged the Commission to deny the rezoning request. Ms. Gallagher noted that the property was surrounded by residential development and an office building. She asked that the Commission not rush to make a decision and suggested it wait until studies could be done.

John Pittman, 12 Piedmont Drive, asked that the Town Council and Planning Commission do separate impact studies on all three issues. He noted that the plans for the inn called for additional parking on East Marshall Street and advised that this was not a wide street.

Meredith Whiting, 1 Orange Drive, agreed with the previous speakers. She reminded the Commission of the Town's policy to separate commercial and residential uses, which was what made living in Middleburg pleasurable. Ms. Whiting encouraged the Commission to continue this policy.

Ray Morales, 12 Orange Drive, advised that there was ample parking in the area until some of it was eliminated on Orange Drive. He opined that if additional parking occurred on Marshall Street, there would be no where for his guests to park. Mr. Morales agreed with the need to perform studies and suggested reconsideration be given to the no parking provisions on Pickney Street.

Michelle McNaughton, 204 E. Marshall Street, noted that families and their dogs walked in town. She further noted the school that was located at the end of the block. Ms. McNaughton opined that this proposal would impact the ability of children to walk to school.

No one else spoke and the public hearing was closed.

Special Use Permit 23-01: Inn in the C-1 District - 204 E. Washington Street – The Middleburg Inn & Restaurant

Deputy Town Manager Moore reported that this was an application to change the use of the property to an inn and would involve the construction of two wings on the rear of the building. He advised that there would be no changes to the front façade. Mr. Moore reported that the inn would have up to twenty rooms, with the ground floor of the existing building being converted into a reception area and a 1,050 square foot restaurant that would honor the existing room structure. He advised that the second floor of the existing structure would house three to four guest rooms, with the majority of the rooms being located in the two wings. Mr. Moore noted that the application outlined the applicant's narrative for the project and the staff's report evaluated the standards. He reported that the off-street parking requirements could not be fully met and must be addressed. Mr. Moore noted that the requirements could not be met through on-street parking. He advised that the applicant could seek to meet the requirements by paying the in-lieu-of parking fee; however, that would not address the impact of parking. Mr. Moore reported that the staff agreed with the need for a traffic study and had already begun that process. He reminded the Commission and audience that the benefits of a public hearing were that the community's concerns could be heard and looked into. Mr. Moore advised that the traffic study results would be available at the next Commission meeting.

Megan Gallagher, 214 E. Marshall Street, advised that she did not need a study to know that an inn was the wrong use for this property. She further advised that traffic would be an issue and the parking requirements could not be met. Ms. Gallagher opined that the inn's proposed size was not the same as the former Middleburg Country Inn's. She suggested that high impact uses such as this should be located in the core commercial area. Ms. Gallagher noted that the construction of the wings would require the removal of the existing landscaping. She suggested an inn be located on the other side of Route 50 so the guests could more easily walk to the cider barn. Ms. Gallagher asked that the Commission deny all three requests.

Meredith Whiting, 1 Orange Drive, noted that there had been no discussion of parking for the employees who would support the inn. She opined that they would further stress parking needs.

No one else spoke and the public hearing was closed.

In response to an inquiry from the Commission, Deputy Town Manager Moore advised that the Commission must take some type of action on these items, even if it was to table them.

Tim Clites, the architect for the project, appeared before the Commission representing the applicant. He advised that as an architect and business owner, he faced the same challenges when he located his business in Middleburg on an R-3 parcel. Mr. Clites further advised that he added curb, gutter, sidewalk, and on-street parking. He noted that as to the question of allowing an inn under a special use permit, that process would allow the applicant to be responsive to the concerns that were expressed. Mr. Clites suggested the need to look at parking in the area and advised that there was parking available in the evenings. He further advised that Mr. Chretien's team was committed to working with the residents to manage any issues. Mr. Clites reiterated that large events would be held at the cider barn, with the proposed courtyard being used for residential scaled groups. He opined that parking would mostly occur where it already did. Mr. Clites further opined that the sidewalk and soft streetscape improvements could enhance the area. He expressed appreciation for the comments that were offered and advised that he looked forward to working with the residents during this process.

Chair Cooke noted that he stayed at inns with limited parking and advised that they made arrangements with other property owners to use their parking. He questioned whether Mr. Chretien had explored this with other property owners.

Mr. Chretien opined that the inn would only have a 60% occupancy rate, which would mean that only twelve rooms would be occupied at any given time. He advised that he would mandate his employees to park at the cider barn. Mr. Chretien confirmed he had not approached other property owners about the use of their parking; however, he would be happy to do so.

In response to inquiries from the Commission, Deputy Town Manager Moore confirmed the townhouses all had off-street parking that was internal to their development. He advised that there were commercial entities on North Jay Street that used the public on-street parking. Mr. Moore explained that the parking located on Pinkney Street was eliminated because it was unsafe. He reiterated that the townhouses the speakers referenced had off-street parking.

Commissioner Minchew noted that the parking on Jay Street was full during the day. She questioned whether this had been addressed with the businesses.

Deputy Town Manager Moore advised that it was unrestricted public parking; therefore, there was no way to prohibit people who were legally parked from parking there. He noted that time limits were something that could be considered.

In response to an inquiry from the Commission, Deputy Town Manager Moore advised that the traffic impact study would be available in two weeks. He explained that traffic studies were performed related to specific uses and were not performed for zoning text amendments, as there was no way to quantify the traffic impacts.

Councilmember Jacobs advised that he was prepared to vote on the zoning text amendment but not the other two applications, as he did not know enough about them to make a decision. Vice Chair Woodruff agreed.

Action Items

Zoning Text Amendment 23-01: Amendment to Middleburg Zoning Ordinance Pertaining to Inns As A Special Use in the C-1 Restricted Commercial District

Councilmember Jacobs moved, seconded by Vice Chair Woodruff, that the Planning Commission forward Zoning Text Amendment 23-01 to Council recommending approval as contained in Draft 1 dated March 9, 2023, because the provision of an Inn as a Special Exception Use allows for consideration of the use where it may be appropriate while also ensuring future applications are considered individually to mitigate potential impacts to surrounding properties.

Vote: Yes – Commissioners Woodruff, Fleischman, Minchew, and Stein and Councilmember Jacobs
No – N/A
Abstain – N/A
Absent – Commissioner Roszel
(Chair Cooke only votes in the case of a tie.)

Zoning Map Amendment 23-01: Ordinance to Conditionally Rezone Approximately 0.26 Acres From R-3 Residential District to C-1 Restricted Commercial District – E. Marshall Street

Vice Chair Woodruff moved, seconded by Councilmember Jacobs, that the Planning Commission table Zoning Map Amendment 23-01 until the next meeting.

Vote: Yes – Commissioners Woodruff, Fleischman, Minchew, and Stein and Councilmember Jacobs
No – N/A
Abstain – N/A
Absent – Commissioner Roszel
(Chair Cooke only votes in the case of a tie.)

Special Use Permit 23-01: Inn in the C-1 District - 204 E. Washington Street – The Middleburg Inn & Restaurant

Vice Chair Woodruff moved, seconded by Councilmember Jacobs, that the Planning Commission table any action on Special Use 23-01 until the Commission’s next meeting.

Councilmember Jacobs noted the need for the applicant to address the questions that were raised before the next meeting.

Chair Cooke offered a friendly amendment to the motion that the applicant also provide his thoughts on alternatives to address the parking concerns of the neighborhood. Vice Chair Woodruff accepted the friendly amendment.

Vote: Yes – Commissioners Woodruff, Fleischman, Minchew, and Stein and Councilmember Jacobs
No – N/A
Abstain – N/A
Absent – Commissioner Roszel
(Chair Cooke only votes in the case of a tie.)

Council Representative’s Report

Councilmember Jacobs reported that the Council voted to approve a contract with Kimley-Horn for the development of design concepts for improvements to South Madison Street. He noted that Kimley-Horn assisted the Town of Lovettsville in receiving grants for their street and pedestrian safety improvement project. Mr. Jacobs advised that the total cost of the contract was \$25,000.

Councilmember Jacobs reported that Council continued to have ongoing discussions regarding development issues in the R-2 District and advised that they directed the staff to prepare possible zoning text amendment options for their discussion during their next meeting. He opined that these would come to the Commission in the next month for their consideration.

Councilmember Jacobs reported that the Council continued their discussion on the proposed FY ’24 Budget. He noted that it could be found on the Town’s website. Mr. Jacobs advised that the Council would look at the role of real estate taxes in Middleburg and noted that they only provided 8% of the General Fund’s revenues. He advised that because of this, the Council would consider the possibility of reducing the tax rate further or eliminating the real estate tax altogether. Mr. Jacobs further advised that this would be added to the list of strategic issues for consideration next year.

Discussion Items

Special Use Permit Application – The Middleburg Inn & Restaurant (continued)

Commissioner Stein requested that the applicant also provide information on the maximum number of occupants at the restaurant.

Quorum for May Meeting

Commissioner Fleischman reported that he would not be available to attend the May 22nd meeting. The remaining members who were present indicated they would be present for the meeting.

There being no further business, Chair Cooke adjourned the meeting at 8:19 p.m.

RESPECTFULLY SUBMITTED:

Rhonda S. North, MMC, Town Clerk

Middleburg Planning Commission Transcript
April 24, 2023

(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)

Terry Cooke: Okay, folks, good evening. We're going to convene our work session. Those of you who might not know what the process here is, we have a work session at 6:30. The regular meeting follows at 7:00 or whenever the work session ends. So we're going to convene the work session right now. The public hearing will not be part of the work session. That will come during the regular meeting, as I say, starts at or about 7:00. So with that said, we have one discussion item on the agenda on the work session this evening, and it's a Zoning Map Amendment 23-01 and Special Use 23-01 rezoning the rear lot and special use permit for an Inn at 204 East Washington Street. And Will do you want to just summarize where we are on this one?

Will Moore: Certainly. Thank you, Mr. Chairman. Members of the Commission. So starting in February, the Commission began having discussions with a contract purchaser of this particular property. The first step that would be necessary if this were [off mic] approved it would be for the Zoning Ordinance to actually be amended first to allow for the consideration of the use in the C-1 district. The commission, after discussion and deliberations last month, initiated that amendment. So that will be subject to the first hearing this evening. With that process underway, the amendment having been initiated, the applicant has gone ahead and filed the related applications for the Special Use Permit and rezoning [off mic] lot. This is your first look at those two applications this month. We grouped them together as one [inaudible] item because there are some interrelated [off mic]. The subject property actually consists of two lots currently. Both are approximately a quarter acre in size one, having frontage solely on East Washington Street and one having frontage on East Marshall Street. Essentially the front property houses the former Washington Fine Properties Office building. The rear lot and the front lot use zoning C-1. The rear lot is currently zoned R-3 residential. However, its use has historically been a legally non-conforming parking lot. Supporting the office use. Legally non-conforming in that you cannot establish a parking lot serving a commercial use in a residential district under today's standards anywhere for that lot exists today. It would have to be likewise the commercial designation. So that first new application that you have this evening to consider would be potentially rezoning that rear lot from its existing R-3 residential zoning to C-1. You have the report kind of outlining staff's comments on that application. I do note in the report that this is an application that could be viewed independent of the special use permit. That is, it's a rezoning application that can stand on its own. There would be potential benefit in rezoning that lot, even if the use would not change because it would relieve a nonconformity. That is it's historically been a commercial parking lot. If an office use was to be reestablished in the adjoining building. That is if for some reason the application for an Inn did not go through if they wanted to reestablish office use. In the front building. They could do so within two years of it having been vacated. However, two years passes [off mic] issues could not be reestablished in that building without providing off-street parking in a conforming situation where so if more than 2 years happens to lapse with that building being vacant, that rear lot could no longer be used as parking to support that building without some subsequent action to rezone. That being said, the current owner does not wish for the property to be rezoned unless the special use permit is going to be successful. So what does that mean? That means that it would be preferable if the special use permit and the rezoning application, if and when they advance from the commission, that they would advance together. So while I said it could be viewed independent of the related special use application, if for some reason you are leaning toward not advancing that special use application tonight, maybe to continue to deliberate on it for an additional month, it would be advisable to do the same with the rezoning application to hold that as well. So that's the quick essence on the rezoning application, I will note that it also includes a proffer and that proffer which is a voluntary commitment from an owner seeking a rezoning, is that if the rezoning were to be approved, that they would then consolidate that lot in with the front lot. That is a helpful tool in mitigating potential impacts of the rezoning. So if the property were rezoned to C-1 without such a [off mic] and this particular special use application did not come to fruition, then that could open up to, say, a new commercial office building to be constructed on with frontage on Marshall Street. It would still have to work out the issue of providing parking for both that and anyone on East Washington but having that property in place that could mitigate impacts of having to be consolidated that it will be in support of one contiguous property. So that is the essence of the rezoning. The special use permit is where the real details of the applicant's vision come into

fruition here. You have a fairly detailed narrative prepared by Mr. Chretien outlining his vision. I do note in my report that there is a small disconnect between his narrative and the accompanying plans, where he refers to it as a 20 room Inn that is proposing, which is the maximum that can be considered for an Inn. Whereas the floor plans and other related items indicate 19 guest rooms. Did have a conversation with Mr. Chretien about that. There is one particular room, I believe it's on the second floor of the existing structure that is essentially a two-room suite with a shared bathroom. He is asking for consideration for 20 rooms, even though the current floor plan shows 19 because he is deliberating whether to add on an additional restroom that could then sever that suite into two separate rooms. So that's why that small disconnect. Again the floor plans that you currently have indicate 19 units. Getting into some of the further details of the Special Use Application, again, he's giving you a pretty extensive narrative. One of the concerns that we've heard that staff has heard from some citizens is concerns about the façade of the building. And it is addressed in there that there would be no changes to the front façade minus the addition of the sign. [off mic] Something like that. So and that's supported by the well, again, narrative. There would be subsequent review if this were ultimately approved by the Historic District Review Committee, which would review any potential changes, whether to the front façade as well as the proposed additions to the rear. [off mic] would have at least some visibility from Marshall Street. So those would be subject to the Historic District Committee's Review but again, there are no planned changes to the building's front façade. Another item that was included in the applicant's narrative had to do with the low availability and lack of competition for lodging in the area. This was a topic where staff just this morning sought input from the Town's Economic Development Advisory Committee. So much like the Planning Commission this is a Council appointed body, that is tasked with this giving Council [off mic] Business and economic development in town. The discussion was more at a high level with them. We weren't asking them to opine on this particular application at this particular location, but we were more broadly asking them their opinions on whether or not additional lodging opportunities in general in town or something that would be desired by the committee. And that was a pretty strong consensus. Yes. On that, assuming there was a certain level of quality [off mic]. And as to the subject of whether or not the C-1 district will be an appropriate location, there was no strong answer on that. We did review the fact that currently, the opportunities for additional lodging options in town would be either in the C-2 or C-3 districts, both of which allow for an Inn as a Special Exception Use. There really are not, although its [inaudible] special use if there are no current opportunities within the C-2 district. C2 is the core of town, basically Washington Street from Liberty Street, West to Plains Road, and then some of the side streets. So while it is listed as an allowable use with some very few exceptions, maybe the Fun Shop properties which have a few contiguous lots, there would be really no opportunities within the C-2 district. The C-3 district, which is essentially the south side of Federal Street identified as redevelopment opportunity. Of course, in the comprehensive plan, there could be some opportunity there. But so the EDAC this morning again, to that point they didn't really opine strongly on whether or not the use should be expanded to be included for consideration in the C-1 district. But they did feel that having the ability to provide additional lodging options in town [off mic]. Some additional things that were included in the applicant's narrative. He does reference the fact that there was a recent history of an Inn in that general location on the opposite side of Washington Street, a little smaller operation that was eight guest rooms. [off mic] It also outlines the fact that it's included in the Special Use Permit that this would [off mic] a restaurant. As an accessory to the end as well. So he talks a good bit in his materials about inclusion for the restaurant it's limited to 1050ft². Essentially the restaurant, if you look at the floor plans, would be located most of what is the existing first floor of the existing building. So the planned wing additions would solely be for additional [off mic]. And again. You have the applicant's narrative. I won't go into any further detail there. One thing of note that's referenced in the report that there is an off-street parking requirement that comes from these uses that is both an Inn and the restaurant. So when you have an Inn with a restaurant, you must provide parking to meet both of those uses. In this case, the sketch site plan shows the ability to provide roughly 17. I made a note, it's probably reduced to 16 because the sketch doesn't account for required assessable space. But the ability to get roughly 16 spaces on site, whereas the requirement based on the use array would be 26. So those numbers may move slightly as plans are refined and as the sketch site plan. If this were to ultimately be approved as a special use permit, a actual site plan would be required and engineered site plan and that number could be firmed up. But I think those are at least close to numbers that you should keep in your mind roughly, there would be about 26 spaces required, roughly about 16 onsite. We do make note that there is the ability to purchase what are called fee and use spaces. That is a case where if an applicant cannot meet or fully meet an off-street parking requirement, there is a way to purchase those spaces with those dollars going into a dedicated fund that the town then uses to acquire [off mic]. We also note that there is marked eight-hour parking so you can park for a much longer duration in that lot than you can three-hour areas in the core of downtown. Spaces in that 200 block of East Washington Street are at least currently not highly utilized. You may see 1 or 2 vehicles on either side of the street at one time, but those spaces cannot count toward the requirement. But there are eight spaces directly in front of this potential location that are not [off mic]. So

that is a kind of a quick overview of both the rezoning and Special Use Permit. Of course, we will have [off mic] hearing here shortly on that here a little bit more [off mic] at that time. At this point in time, I'm happy to answer questions or [off mic]

Terry Cooke: Yeah, Will, I do have a question, but before I do, I was remiss in not calling roll as we began. Let's do that for the record now and make sure everybody who's here is actually here. [laughter]

Rhonda North: Chair Cooke.

Terry Cooke: Present.

Rhonda North: Vice Chair Woodruff.

Don Woodruff: Present.

Rhonda North: Commissioner Fleischman.

Ed Fleischman: Here.

Rhonda North: Commissioner Minchew.

Rachel Minchew: Here.

Rhonda North: Commissioner Roszel is absent. Commissioner Stein.

Mimi Stein: Here.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Here.

Terry Cooke: For the record, everyone is here was here at the commencement of the work session this evening. Okay, good. Thank you. And my apologies. I want to go back Will for just a moment to the proffer. Obviously, the proffer. [off mic] I'm still uncertain as to exactly [off mic]. Can we visit that for a moment?

Will Moore: Certainly.

Terry Cooke: If the lot on which the parking lot is situated is ultimately not rezoned to C-1. What does the proffer say in that [off mic]?

Will Moore: Well, it doesn't say anything. So proffer is only applicable with a rezoning. So the applicant is offering, if the Council were to ultimately rezone the property, then and only then they would commit to consolidating that currently separate lot with the lot at 204 East Washington. If the proffer is or if the rezoning is not approved, the proffer is moot at that point.

Terry Cooke: Any other questions? Commissioner Fleischman?

Ed Fleischman: Thank you, Mr. Chairman. Just a general question on proffers. You use the term voluntary commitment. Is that an official statement that they have to do it or is it voluntary they cannot do it. What is the legal ramifications of a proffer?

Will Moore: So voluntary meaning the offering of it is voluntary. Now, an applicant does have a legal right to rescind a proffer any time up to the Council public hearing on it. But once that takes place, then the proffer stands. Proffer is legally binding if the rezoning is approved, voluntary only means I can't say to an applicant, you have to offer us this.

Nobody can say, we identify impacts that might be associated with rezoning and then they can offer things voluntarily to mitigate those impacts.

Ed Fleischman: Okay. Thank you Will.

Terry Cooke: Anyone else on the Commission have a comment or a question at this point? Commissioner Woodruff.

Don Woodruff: Going back to the previous meetings that we've had on this, I think I must have misunderstood, but I did not get the perception that the restaurant was going to be wide open to the public. And at least initially, I could stand corrected on that, however.

Terry Cooke: I assume we'll hear from the applicant on that question when we get there. But fair question. Anyone else? Hearing none. We will conclude the work session. And we have just a few minutes, 8 or 9 minutes until we hit the 7:00 hour. We can't begin the regular meeting until the advertised time of 7:00 p.m. so everyone can just chill out for a few minutes, and we'll reconvene at seven. Thank you. And we are going to convene the regular meeting of the Planning Commission for this evening. And first order of business would be a disclosure among the Commissioners of any meetings that anyone has had with applicants having matters before or matters coming before the Commission. Any disclosures on that issue? Hearing none. We will move on to the next item on the agenda. Public comment, period. Now, folks, this is a public comment unrelated to any of the public hearing matters that are coming before us this evening. So if anyone has any matter not related to one of the matters up for public hearing this evening, now's the time to bring that to the Commission's attention. And hearing none, we will close the public comment period. Next item on the agenda is approval of minutes for the Commission's March 27, 2023 Work session and regular meeting. I'd like to hear a motion on the minutes.

Don Woodruff: I move that these minutes be accepted as presented.

Terry Cooke: Thank you. Is there a second?

Bud Jacobs: Second.

Terry Cooke: Any discussion? Hearing none. The minutes are approved. Thank you. Now we come to the matters that have brought I'm sure all of you folks here this evening. A series of public hearings there are three matters up for public hearing before the Commission this evening, all relating essentially and generally to the same property. But each of those matters will be evaluated on its own merits and will be considered separately and distinctly in decisions by the Commission. And so I would prefer and encourage folks who want to speak on any or all of these matters to sort of break your comments down, if you can, and speak to each matter up for public hearing at that time so that we don't get everything kind of mixed together at one point. I would also just as a matter of housekeeping, remind folks that if you do choose to speak, please come up to the microphone in the front, identify yourself and your local address for the record. We will allow the applicant if the applicant chooses to address the commission at the outset, and he will be accorded five minutes for his comments. Everyone else will be accorded three minutes for their comments. We will enforce the three-minute rule. We have a timer up there, but I also have my sands of time timer which I will flip over as you begin your comments. [laughter] Please, please try to observe the time limits. I don't want to be rude by cutting you off, but I will if I have to. With that, I think we are ready to begin. And the first item for our public hearing this evening is an ordinance to amend Article 11, part one of the Middleburg zoning ordinance pertaining to an Inn as a Special Exception Use in the C-1 restricted commercial district and with that Will, will you set the table again, please?

Will Moore: Yes, sir. Maybe one clarifying comment on the comments you just made. This particular application is not property specific, so this zoning text amendment is independent of the following applications that are specific to 204 East Washington Street. In this case, what is up for consideration is a broader question as to whether or not the zoning ordinance should be amended to allow for an Inn to be considered as a use in the C-1 district. It is not currently able to be considered as a use in the C-1 district. If approved, this amendment as drafted would establish it as a Special Exception Use in the district. What does that mean? That means that it is not what is commonly referred to as a by right use. It would be established as a use that in order to establish, you would have to apply for a Special Use Permit. Special Use Permits are looked at property by property in their individual context. The addition of this use to the ordinance in the C-1 district does not imply that at any given location in the C-1 district, the use would be okay. Again,

it's going to depend on the totality of the circumstances surrounding properties, surrounding uses, ability to provide off street parking. All of those types of things. As defined an Inn may include a full-service restaurant. It does not necessarily have to. It would have guest rooms at a minimum of 4 and up to 20. So again, separating this from the application that would follow if you were to add this, this would open up a potential application in the future where somebody might want to do an eight room Inn much like the Middleburg Country Inn used to be across the street. It may include a full-service restaurant, it may not. Again like the using the Middleburg Country Inn, the former property across the street, that had food service for breakfast, but it was not open to the general public. It was just provided to the guest. So there are a wide range of options that could be opened up for consideration if this were approved. Again, it is not property specific. Those property specific applications will be subject to the hearings that follow. So that's the basis for the proposed zoning amendment.

Terry Cooke: Thank you. Thank you, Will. As I said, we will begin with the comments by the applicant. If the applicant chooses to address the Commission at the outset. Yes, sir. And please do state your name and address for the record.

Marc Chretien: Name is Marc Chretien. 3639 36 Road Arlington, Virginia. Thank you, Mr. Chairman, Members of the Commission, Mr. Moore. I'll be very brief since I've addressed this body several times before. I'm basically here to just reintroduce myself and our team. I am the managing partner of Mount Defiance, Cidery and Distillery, and we have our distillery on one end of town and our Cider Barn at the other. We do host events at our Cider Barn, not the end, and we would like there's some synergies involved if we could have people spend the night. We would like to have a local presence inside the town. Are people here? That's Caesar Layton. Vikram Agarwal, who is a seasoned owner of a historically rehabbed hotel in Roanoke, Virginia, and Eric Hollingsworth back there, who would be on the chef's side. We're here basically because we would like to have a residentially scaled Inn in a beautiful historic building to serve the town. We have a commitment to the town. We've been here for many years, and we're here to listen at this moment to all comments and listen respectfully and with an interest in working forward. Thank you. Thank you. Before you. Oh, there was one. It's always had a restaurant. It's in our narrative, the restaurant, we're still under development. We'd like to have dinner. We will probably start with having breakfast for our guests, not for the public. And we probably wouldn't be open for dinner seven days a week. This is not I mean, this isn't the equivalent, say, of the oyster bar. It's a smaller, quieter restaurant, but it's still under development. So I can't give you a specific answer except that it's in our narrative and was always.

Don Woodruff: Part of the narrative, yes.

Marc Chretien: Yeah, it was always part of our plan.

Don Woodruff: Thank you.

Marc Chretien: Thank you.

Terry Cooke: Thank you. All right, folks, we'll open it up to comments by the other members of the public. Council Member Jacobs. Oh, no, no, no, please.

Bud Jacobs: I have a process question Will. Looking at the draft, the amended regulation Section 153 has 12 or 15 permitted uses already, including rooming and boarding house, bed and breakfast. And we are considering whether to add an Inn as a Special Exception Use. And my question is why are we doing that as a Special Exception Use and not just a permitted use?

Will Moore: Yeah, no, great question, Mr. Jacobs. So the as opposed to a bed and breakfast, for example, which is defined as an owner-occupied business that has a maximum of three rooms. That's as we define it. That is likely, I was not here when that was established as a use in that district, but likely viewed as something much more low intensity. So it's established as a permitted that is a by right use that you can do. Special exception uses are often established when a use is broadly seen as something that is maybe worthwhile for consideration in a given district but needs to be examined with each potential application with respect to its context. So it's being offered that way because we didn't want to open up an Inn necessarily anywhere in C-1, but we wanted to require that special use process so each individual application could be evaluated on its own merits.

Bud Jacobs: Got it. Thank you.

Will Moore: Yes, sir.

Terry Cooke: Will just to follow up on that, is an Inn in the C-2 or C-3 district also permitted only with a special exception?

Will Moore: Correct, in both of those districts.

Terry Cooke: All right. Thank you. One last comment before we open it up. And that is just to remind everyone that this is the purpose of these public hearings is for us to receive and consider the thoughts and concerns of you folks who wish to address us. It is not a question-and-answer session for staff or for the Commissioners. We are here to receive your thoughts and comments and we're happy to do that, but please bear that in mind as you address this. So with that, I will now invite anyone who cares to address us to step up and do so.

Rhonda North: Mr. Chair, we do have some folks who have signed up previously to speak.

Terry Cooke: Oh, okay. Well, good for you. [laughter] You get first bite at the apple.

Rhonda North: So the first speaker who signed up is Jane Covington.

Terry Cooke: Ms. Covington. [multiple speakers]

Jane Covington: Hello my name is Jane Covington and I do not live in the town. I live in the Village of Bloomfield, but I do work in the town as a Historic Preservation professional.

Terry Cooke: Could you please just state your address?

Jane Covington: Oh, sorry. My address is 20568 Foggy Bottom Road in Bluemont. So I own a business in town, and I own property in town. And for about the past seven years, I have been working with the town as both a volunteer and as a professional, looking at a potential investment, working with the town on the Asbury Church. So over the years, the Town has entertained many ideas of what to do with the church, and in every case, parking, or the lack of parking figures largely into the conversation of potential appropriate uses for the church, even though the church remains vacant adaptive reuse of the church is on the town's top ten list of things to do in 2023. With any option for the church the valuable street parking along North Jay is the key to successful adaptive reuse. As I said, I owned property within the town limits. Increased density behooves my investment and I support right size infill development and I support right size increased density. However, I do not support this proposed zoning text amendment. I believe the proposed intensity of use in this location will and increase demands on street parking along North Jay will destroy options for the Asbury Church. Thank you so much.

Terry Cooke: Thank you. Rhonda who's next?

Rhonda North: Megan Gallagher.

Megan Gallagher: Hello, my name is Megan Gallagher and I live at 214 East Marshall Street, which is exactly just across the street from one of the other parcels subject to a hearing tonight. I'm asking the Planning Commission to vote no on the zoning text amendment to add an Inn as a Special Use Exception in the C-1 district, in part recognizing that half of the C-1 district is adjacent to the densest neighborhood in Middleburg. Such a high impact land use as an inn serving the hospitality sector is in direct conflict what's purported to be the role of the C-1 district, which is to act as a transition between residential and intensive commercial use districts. The text amendment could lead to development of an Inn nearly as large as the Red Fox, 20 rooms. Red Fox advertises 22 on the doorstep of that densely populated neighborhood. One with a neighborhood with very limited and strained on street parking. There are 31 residences within a block of the edge of the district on East Marshall, 100 altogether within three blocks. But despite this density, I consider our neighborhood the quietest, friendliest, most walkable and, frankly, charming part of the town. And I

love living here. Our community is exactly what the public and planners had in mind when describing the transition role of the C-1 district and the lower impact commercial uses allowed there. Middleburg adopted its new comp plan just three years ago after a lot of public input. That plan represents security for residents like me and for businesses here. The comp plan emphasized that economic development, especially tourism development, should be focused on the commercial core, where an inn and restaurant could be considered. The Town made a commitment to revitalizing Federal and more recently, South Madison Streets within that core. The Town also made a commitment with that plan to my neighborhood on the edge of the main C-1 district. It left out any provisions for a major hospitality operation on either side of Route 50. It makes no sense to leapfrog from the commercial core into a C-1 district just three years after you approved that plan with quite discreet language about this. So I ask that you please retain the integrity of our comp plan and zoning ordinance, that you reinforce the town's commitment to both low impact commercial uses in the C-1 district and to strengthening our existing commercial core. Please vote no on this zoning text amendment. Thank you. Thank you. [applause]

Rhonda North: I have no other speakers signed up for this hearing, Mr. Chair.

Terry Cooke: Very good. Okay. So anyone who wishes to come forward and address us is welcome to do so now. Don't be shy.

Michelle McNaughton: Good evening. I'm Michelle McNaughton and I'm a town resident at 204 East Marshall Street, as well as a Washington Street business owner. First of all, I'd like to thank you for the opportunity to speak against this proposed zoning amendment. To my knowledge, thus far, no research or thorough impact studies have been conducted on this particular zoning amendment. Adding Inn to the list of approved zoning in a transitional commercial zone potentially affects 20 plus local properties. Doing this without first conducting this research could have serious negative consequences on the community. First, a potential traffic increase could pose safety risks to residents as well as visitors. Increased traffic could challenge and strain our current traffic patterns, potentially requiring changes, elevated traffic and people entering and exiting the area increases the likelihood of both traffic violations and accidents. This could have an impact on our police department and potentially all emergency responders through a heightened need and demand. Without doing the proper research through a traffic study we cannot predict both the immediate and long-lasting effects or strain this could have on our neighborhood. Secondly, adding an Inn to residential transitional areas could significantly increase noise level. Guests staying at the inn and restaurant could engage in loud activities such as parties or loud conversations disturbing surrounding residents. Many residents have chosen their homes because they are in a quiet area free from disturbances that come along with the high impact commercial properties. Again, this cannot be known without performing the proper research and noise impact study. Finally, and perhaps the most important, we must look at the larger impact the Inn could have on the character and balance of our community. The proposed zoning amendment could open the door for additional properties and other commercial activities that are also incompatible with the residential character of our neighborhood. Many are looking at this proposed zoning amendment through just the lens of this project, but the larger issue is the precedent it sets for all surrounding properties and current zoning controls. In conclusion, it is plainly irresponsible to approve this zoning amendment without first conducting multiple comprehensive studies to fully understand the potential impact. The safety and quality of life of our residents should be top priority. We should not rush to make a decision that could have irreversible negative consequences. Thank you. [applause]

Terry Cooke: Next speaker. Anyone. Yes, sir.

John Pittman: Thank you, Mr. Chairman. Members of the commission. I'm John Pittman. I live at 12 Piedmont Drive here in Middleburg down in Federal Square. And what I'm about to say to the Commission is not a consensus of all of the residents that occupy that area, but simply the result of conversations we've had between each other. And hopefully you'll take this under consideration. Our immediate thought was we've really got two issues here. Okay. One is the rezoning issue and the impact that will have along with the Special Use Permit on other C-1 areas within the town of Middleburg. Because once you set a precedent, it's kind of hard to reverse course and say no even though it may be written in the rules or the regulations of the town. I think you need to look at that, the total impact of this rezoning change and special use on other C-1 properties within the city. And second, I will follow in the footsteps of my predecessor here in saying we certainly believe an independent town assessment needs to take place. Okay. Regarding both the larger issue of the C-1 rezoning, but also the Inn issue and its potential impact on the immediate surrounding community, especially the residential areas where we need to evaluate utilities, noise, neighborhood parking, which is

already a problem in some cases on our end of the town. So we're simply recommending that we need more analysis, a little more insight into the potential impact of what these recommendations coming before you will have on the town. And with that, I would conclude by saying once, if you do decide to go this way, once the impact assessments are done, that we have a follow up public hearing, where they are briefed to the community and the community are allowed to ask questions. We just kind of thought going straight to a vote was a bit premature. [applause] Thank you.

Terry Cooke: Thank you. Anyone else care to speak to the Zoning Text Amendment proposal? Yes, sir.

Guy Dove: My name is Guy Dove. I own 209 Marshall Street, and I've owned it for 28 years. The building next door, 207 I owned for ten years. I support these changes. I'm thinking of two things that this town requires in the whole is additional parking and additional food and beverage. You know, we don't have the same stores that were around for years like the Coach Stop. And you know, the Red Fox used to be a three meal a day place and now it has special meals at dinner. And so there are less places to go. So I think also going back ten years or more, this board could have done better with the parking lot next to the church. They could have done two stories. I told one of the Members of the Committee that there is a federal government financing opportunity. And if you go to Annapolis, you see buildings that look look like they were built by George Washington of bricks that were financed by the federal government. So we could have done two levels there for the price that we spent for one. So I do support this. Thank you.

Terry Cooke: Thank you. Again. Anyone who wishes to speak to this matter? Yes, ma'am.

Deborah Martin: I don't have anything written. My name. My name is Deborah Martin, and I live at 208 East Marshall. So my driveway would be where I believe the traffic would be ingressing and egressing from this Inn. And that's my biggest concern. My biggest concern isn't whether they put an Inn there or not. My biggest concern is that whole backside where I think all the traffic would happen, trash collection would happen, deliveries just I think there would be a lot of action happening right off Marshall Street. I don't think there's ingress and egress opportunity from Washington Street. And that's my biggest concern is how active that whole back area would be. So I just want to express my concern. I think it'd be potentially noisy all night long, all morning long, because that's what an Inn is like. That's what a restaurant is like. That's just what that type of business. I would love to have more business. It's all good. I just don't want it in front of my house all night long. So thank you.

Terry Cooke: Thank you. Any more comments on the proposed zoning text amendment? Okay. Seeing none, we will conclude the public hearing on the zoning text amendment. And Will, do you think we should have a discussion on that or just move to the next public hearing item?

Will Moore: Of course it's at your discretion. It might be worthwhile to keep the momentum going on the hearings and then to discuss the applications afterward.

Terry Cooke: I think we will do that. So our next public hearing is on a Zoning Map Amendment 23-01, an ordinance to conditionally rezone approximately 0.26 acres of land from at pin number 538-29-0376 from R-3 Residential District to C-1 Restricted Commercial District. And we will follow the same course. If there's anyone who would like to speak to that issue, please step forward and do so now.

Rhonda North: Mr. Chair.

Terry Cooke: You want to give a summary?

Will Moore: Yes, just briefly. So just to clarify, the subject of this hearing is not the use of the Inn that will be the next hearing. This specifically applies to whether or not the rear parcel. So this is the parcel that has frontage on Marshall Street and currently is used as or most recently has been used as parking to support the previous office use at 204 East Washington Street. So this lot is currently separately platted. The current zoning is R-3 residential, the use of it the previous use as parking to support the office use is what we call a legally nonconforming use. That means it was established legally. It was okay to establish it years ago when it was established. However, under today's ordinance standards, you could not build a parking lot to support a commercial use on this lot. So we discussed this during your work session. What we did not get into was during that work session was where the comprehensive plan stands on land use in this corridor and specifically for potential zoning changes. So it is noted in the report that the subject property,

as well as the surrounding properties on the south side of East Marshall Street in this 200 block are all designated for commercial use in the Comprehensive Plan on the Land Use Policy Map. What does that mean? It does not necessarily mean it advocates for a specific use. It does not necessarily mean that it establishes or advocates for a specific commercial district. In this case, if it were rezoned, I think C-1 would be the appropriate one because it is the least intensive of those uses and it is surrounded by some C-1 zoning properties. So the again, the Comprehensive Plan does designate that entire block the 200 block of East Marshall on the south side for commercial use in the future. Now the specifics of that use, of course, are important. The other thing to note, as discussed in the work session, is if this property were to be rezoned, there is a proffer that is included that it would then be consolidated. That is the boundary line in between this property and the property that currently fronts on East Washington at 204 would be combined into one half acre lot. Again, the benefit to that in terms of mitigating potential impacts in the future is that if it were rezoned and the use as an Inn did not progress for whatever reason, then it would be one contiguous property. It would mitigate the potential of building a separate commercial structure right on East Marshall Street fronting on it. It would essentially continue to function as it does now as a parking lot supporting a commercial use in the front.

Terry Cooke: Thank you.

Will Moore: Yes, sir.

Terry Cooke: Okay, folks, anyone wish to speak to this Zoning Map Amendment?

Rhonda North: Mr. Chair, I do have a speaker signed up for this one as well.

Terry Cooke: Very good.

Megan Gallagher: Yes. Guess who signed up for [off mic]

Rhonda North: Meghan Gallagher. [laughter]

Megan Gallagher: Haven't even been a year here in town. Hi, I'm Megan Gallagher. I'm at 2144 East Marshall Street directly across the street from the subject parcel. I have to ask whether, if it ain't broke, we really need to fix it? The landowner has already said if you are not intending to allow the high intensity commercial use of an Inn and restaurant in the C-1 zone, they don't need this to be redone. And I have to say as a nonconforming use, it has served very, very well under R-3 in providing the parking for Armfield Miller Real Estate when it was there, and in actually keeping that property feeling historic and wonderful, most of us remember the garden parties held there every summer when Armfield Miller was really going strong. So I am strongly encouraging you not to approve this today because we have no idea what the future holds. And I want to point out that while I quote the comp plan language for C-1 and other districts, the map is a trickier thing. To the right of this parcel is a residential structure zoned C-1 and too on the other side are two small, very historic residential structures. And then, of course, Mr. Dove's wonderful office building. And I think there could be no more lower impact commercial use than Mr. Dove's office building. It's wonderful to live across the street from it. Therefore, please do not rush this one. It seems to be able to wait until perhaps the kind of studies that John recommended are completed and you've had a better look of whether C-1 should start bearing the burden of expanding commercial hospitality uses. Thank you. Bye. [applause]

Terry Cooke: Thank you. Next speaker. Please.

John Pittman: [inaudible] your format, Mr. Chairman.

Terry Cooke: Come back.

John Pittman: In any case. I'll say essentially the same thing I said before. I think it's worth the Town Council and the Planning Commission's effort to do a separate impact study on all three of these issues because they're so closely intertwined. You're not going to take step one without taking step two or step three in this process. I did notice on the map that I was looking at today of the diagram of the facility layout in the right-hand corner I think there was a comment down there by the drafting person potential additional parking along East Marshall Street. East Marshall Street is not very wide. If you've been down there lately. Okay. And so I question that. I really do. And like I said, all

three issues are closely intertwined. And I think an assessment study, an independent assessment study would be worth your while. Thank you.

Terry Cooke: Thank you. [applause] Anyone else? Yes, ma'am.

Meredith Whiting: Evening. My name is Meredith Whiting. I live at one Orange Drive in Federal Village. And first thing I'd like to do is echo the sentiments of both my predecessors I fully support [inaudible], as do many of our neighbors and surrounding residents. It seems to me there is a policy that's been in place for some time about the separation of commercial and residential areas and an effort on the town's part to keep a degree of distance between those two entities, which often have opposing views, as we have seen here this evening. But that policy has been what has made the residential parts of in-town living so very pleasurable and enjoyable. And I would encourage you to continue that policy.

Terry Cooke: Thank you.

Meredith Whiting: Thank you. [applause]

Terry Cooke: Anyone else who wants to speak to this matter? Yes, sir.

Ray Morales: I'm Ray Morales from 12 Orange Drive. And first of all, I just want to say thank you for having a public hearing on this matter. 12 Orange Drive lies on the span of Pickney Street, where we went one day from having ample parking to no parking without any discussion or public hearing. And where that relates to today's topic is if there's additional parking to be taken up on East Marshall Street and no parking on Pickney Street, all of a sudden, we have a serious parking problem where our guests, have nowhere to park, our landscape workers have nowhere to park. And this our contractors as we do, you know, home improvements. So I agree with the others who have called for a real impact assessment and maybe a reconsideration of no parking on Pickney Street. Thank you. [applause]

Terry Cooke: Thank you. Yes, ma'am.

Michelle McNaughton: Hi Michelle McNaughton, 204 East Marshall Street. Last time I really appealed to a more clinical issue that I think affects the zoning. But this time I will appeal to a little bit more of a personal issue on our side of town. Like I said, I live directly across the street. I have a small child. We are consistently walking into town as I see many other families with their dogs and their children. And as well as we have a charter school just at the end of that block. And I think that this proposed type of zoning may impact the ability for our students and our young children to get to school. Which is the good thing about having a local school is having a walkability school. So something that speaks to me personally. [applause]

Terry Cooke: Okay. Next up, Anyone before we move on. Okay. We will conclude the public hearing on. Did you have something Councilman Jacobs?

Bud Jacobs: No, sir.

Terry Cooke: Okay. We will conclude the public hearing on the proposed zoning map amendment and move on to the special use application. This is. Special use 23-01 request of the Middleburg Inn and Restaurant LLC for a special use permit for an Inn at 204 East Washington Street Zoned C-1 Restricted Commercial District. Will.

Will Moore: Thank you, Mr. Chairman. So I think this is probably the hearing that is most appropriate to get into some of the specifics about the actual use, because that is the subject of the Special Use Application. So we discussed that with some members of the public in attendance at your 6:30 work session, but not all. So just briefly, the application is to change the use of the property to an inn that would involve constructing two winged additions off of the rear, both the right and left rear of the existing building. No proposed changes to the front facade of the building. The intention is to create as many as 20 rooms. We noted that the floor plan that was included in the application materials actually outlines 19 rooms currently. But one of those rooms is kind of a suite that is separated by a shared restroom. The applicant would like, if this were to be approved, to be approved for a maximum of 20 rooms, which would be the maximum allowable for consideration in the event that he could renovate and create an additional

restroom that would then allow for that suite that is currently planned to be separated into two guest rooms. Briefly, the plan would be to convert the ground floor of the existing building, not the additions, the ground floor of the existing building, basically for a small reception area and then a 1050 square foot restaurant. So it's a little bit broken up that you see on the floor plan because they're trying to honor the existing kind of room structure that exists in the historic building. But again, 1050 square foot restaurant on the first floor. The second floor, excuse me, of the existing building would be renovated into either 3 or 4 guest rooms, as we just talked about. And then the two-winged additions would house a total of 16 rooms. So four rooms on the ground floor, four rooms of the second floor on each wing. So to create that total of 16 rooms in the wings and 3 or 4 on the existing second level of the building. Again, the applicant outlines in his extensive narrative the vision for the property. The Commission may in its deliberation session, have some questions specific to that vision. We outlined in the staff report a little bit of evaluation of some of the related standards regarding off street parking, the fact that as designed currently they would not be able to fully meet the off-street parking requirements in the proposed lot. So there would be a necessity to address impacts of where those additional cars might go. We note that there are numerous public parking spaces on street in the 200 block of East Washington that are currently lowly utilized. But still those cannot count toward meeting the requirement. So if the use requirement remains the same and the amount of parking, they were able to provide may remain the same, they would need to address that gap through purchase of fee and lieu spaces that is provided for in our ordinance. However, it does not necessarily mean the impacts of those spaces not being provided off street are addressed. That still has to be something that is evaluated with the Special Use application. I will note there have been a couple comments about the need for some additional study, particularly with regards to traffic impacts. Staff would agree with that and has begun that process ourselves. We do not have that information fully vetted and available for you this evening. I think one of the benefits in holding this hearing up front before you may agree that this is not actionable at this time is that we can hear a number of these concerns and then we can better address them, better look into some of the issues raised before your meeting next month. So heard loud and clear on the issue of traffic. And we will have some evaluation of that for you at your meeting next month should you choose to not advance the Special Use application this month. Otherwise, I think we've talked about the use in general. The applicant may wish to address you again and subsequent to your hearing, per your rules of procedure, you also have the ability to ask questions of the applicant during your deliberation period. So it does not have to actually be during the hearing, but just remind you that you will have that opportunity.

Terry Cooke: Thank you, Will. Before we allow the applicant to come up and share any thoughts with us, we want to give you folks again, this is the the third leg of the stool this evening. So if anyone wishes to speak specifically to the SUP permit application. Do we have folks lined up for this one, Rhonda?

Rhonda North: We have one person signed up, Megan Gallagher. [laughter]

Terry Cooke: Where have I seen you before?

Megan Gallagher: I go to bed early. I wanted to make sure I got here. Hi, this is Megan Gallagher from 214 East Marshall Street Middleburg across the street from the subject property. I don't think you need any study to know that this is the wrong Inn and commercial hospitality use for that lot. The only possible lot between Route 50 and the densest neighborhood in Middleburg. You can look anecdotally or study the traffic. It's a real issue, A Place to Be and Loudoun Construction during the week are taking up the available spots. Residents in the church are taking up the rest and it's very, very crowded. We haven't even addressed the number of people you'd need, which is my problem with this proposal. It's super-sized. It is no Middleburg Country Inn which many of us had many friends stay in it, really loved, it had a giant parking lot. It was eight people. At one point she was living in the place cooking for her guests, and nobody really lived there. What's now the Master of Foxhounds Association had once been a house huge lot and the white house across the street. It was a gas station and a bunch of commercial other uses. The other half of the C-1 district might have promise if you feel the town really needs more restaurants and accommodation and it probably does. But again, you've written in your plans you want to put those in the dense commercial areas. The high impact. This is not one. The outdoor music to me is a nonstarter. The super-sized 20 rooms, the Red Fox advertises 22. They have a huge property and they adaptively reused nearly everything. We're talking about construction of two major wings and to provide the parking all that lovely landscape goes the big sycamore, the big magnolia, all of it. And there are multiple permitted commercial uses for this lot. The owner can sell it. It does not need, I would argue, the other side of 50. If the town agrees there's a spot there would be more walkable to the cidery. But this is not the place on the doorstep, and I ask you not to prolong the agony here. I would like to see you reject all three proposals tonight and just

send a message. You're going to stick by your Comp Plan and focus on the other areas for intense commercial hospitality uses. Thank you. [applause]

Terry Cooke: Any other speakers on the subject of a Special Use Permit application? Yes, ma'am.

Meredith Whiting: Again, I would like to expand on Megan's comments. One thing we haven't discussed tonight is the subject of employees at this project, should it come to pass. That is that employees who are at the restaurant, who bring the linens, who who service the building during the day, during the mornings, as was mentioned earlier, will add even more stress on the parking capabilities in town. And I don't think we need that. Thank you.

Terry Cooke: Thank you. [applause] Other speakers on this issue, please. Seeing none. We will conclude the public hearing on the Special Use Permit application. Will, I guess we need to take action on each of these items. Is that correct?

Will Moore: You need to take some sort of action. You are not obligated to forward any of these. So you're not obligated to take action to approve or deny any or all of these at this time. But action at a minimum if you wish to table. [multiple speakers].

Terry Cooke: If nothing else.

Will Moore: Correct.

Terry Cooke: Okay. Well, I will invite my colleagues up here on the Commission to. Well, excuse me. I keep forgetting to do this, but if the applicant wishes to make any comments after hearing what folks had to say tonight.

Marc Chretien: Yield to our architect, Tim Clites.

Terry Cooke: Hello, Tim.

Tim Clites: Hi, I'm Tim Clites. I have a business in town and own property in town. Lived in town for ten years, sat on the Planning Commission. And so this is a meeting I feel like I've set in every chair in the room. Actually found Planning Commission was more interesting when there were more people in the room, to be quite honest. Otherwise it was kind of a lonely position. I don't have a whole lot of eloquent words to add to what we've heard. I think that when we think about the project or the potential project, I think as a group, as a local architect, as business owner, as someone that actually took out residential property at the corner of Pickering and West Marshall and went through this very process, the things that I learned that were both frustrating and then ultimately very helpful, I think, to the community and to the building. First it was property that was in the Comp Plan listed as residential, but with the intent to become commercial like the R-3 that we're talking about tonight, the property that we own also had parking just kind of haphazardly along the Pickering Street. And as part of our more detailed plan that we have to go through or we had to go through as part of that process, which you as Planning Commissioners know, we had to add curb and gutter. We had to add sidewalk to make it safe for people to walk around the building and down towards Main Street. And then we added parking, which actually, although it was credited to our building, is not our parking, it's actually parking for anyone in the community to use, although we were required to build that in, in order to get as much parking on the site as possible. So it really resonates with me on a kind of personal level to hear people talk about things like the charter school and walking down the street and the sidewalks and and the livability of the town. Because both as a former resident and current owner, I've lived that and recognize it. I think it is a big question before you this question of like taking the zone and allowing an Inn in the zone as a special exception. I think the special exception process allows any applicant, including Marc and his team to really be responsive to what you heard tonight. I think as I've started to work with them, I don't know if I should say this, but I think I was one of the first to suggest we even look at this property because I think it's such a wonderful property from the main street and when I drive through town at the end of the day, it seems like that except for the gas station gets quiet on the main street, it seems like there's available parking. I remember when the center of town got the new restaurant that suddenly there were cars everywhere just in the core center of town. So I think this team gives me every indication they're very committed to working with the local residents, especially people that are very close and adjacent to manage and work through those issues. Marc's when he's talked about his dream for having an Inn in town, it is that people would have the bigger events at the cidery

and so there wouldn't be loud music, there wouldn't be large events. But the goal for the little courtyard between the two wings is to have a very kind of residential scaled place where people would be comfortable to sit in small groups, but not really as an entertainment venue. And I think the parking naturally would mostly stay where it is. Obviously, if there's ways to keep trees and anything that exists, it's a lot cheaper than removing them. But then there is, by the zoning ordinance, an opportunity to really enhance not only the sidewalk, but to enhance the soft scape, both between the parking and the street and around the perimeter. So there's a lot of other good notes that I took. I won't go through all of them. I would just conclude by saying I think I appreciate everyone's, I'll speak for myself, I hope, I think I speak perhaps to some degree for the applicant as well, that we appreciate everyone's comments and would look forward to working through the specifics of all of this as part of the process. Thank you.

Terry Cooke: Thank you. All right, folks, we have concluded our public hearings this evening. Does anyone have any questions? Any Members of the Commission any questions for the applicant before we move on to a broader discussion. I have one and it has to do with the parking issue. I have stayed at inns in in other locales. I'm thinking Charleston, South Carolina, and New Orleans, where on-site parking was very limited if it existed at all. But the way those businesses handled it was they had arrangements with other properties in the immediate vicinity to allow that Inn's guest to use available parking spaces on that other property. And considering the location of the building that we're all talking about this evening, there are certain commercial uses in the immediate vicinity that have parking lots. And I just wonder, just a general question. I wonder if the applicant has had discussions or might have discussions with the owners, operators of those facilities to perhaps license space in their parking areas to make up the shortfall of the required parking for this Inn project? Just a question. I don't know whether you've thought about that or considered it. Yes, sir.

Marc Chretien: Thank you, Mr. Chairman. Marc Chretien, again. The Inn if it's 19 or 20 rooms, the average inn on a good day is 60% full. So you're only talking 12, which is less than the parking. As far as employees are concerned, we own other businesses. They can we can have a mandated employees have to park at the Cidery Barn and do a two block walk over if to address parking concerns. And I'd be happy to work with the Commission and with Mr. Moore on that. Does that answer your question?

Terry Cooke: Well, not exactly, but I just wondered, for example, you got the Exxon station right there.

Marc Chretien: Yeah, we're situated between the Exxon station. I haven't approached him. I've met the owner and the office building next door, so it's not exactly. There are places nearby that I can ask for dedicated spots and I would certainly be happy to address that. If there's a.

Terry Cooke: That's just one avenue to pursue.

Marc Chretien: Right. I know that. The realty office nearby too, anyway. [off mic] What's that. [off mic] You're right. We have the Cidery Barn, and we have our other. I mean, the employees don't, you know, that's fine. And then there's enough space for the Inn, itself. And we would be perfectly willing to agree to that. And that's what special exceptions are for.

Terry Cooke: Thank you. Thank you. I'll open it up to my colleagues. If they have any questions or thoughts, they might have before we consider any action on these matters? Anyone.

Ed Fleischman: Not to the applicant.

Terry Cooke: No, just generally. Yeah. Commissioner Fleischman.

Ed Fleischman: Thank you, Mr. Chairman. I really didn't understand the parking problem because I live on the other side of town and generally, we all have parking garages or driveways and there really aren't many people parking on the street. Are we talking about the row houses? I mean, when they were built, don't they have their own parking requirements?

Will Moore: They do. And the townhouses that are directly across the street on the north side all have off street parking provided it's internal to their development.

Ed Fleischman: So where is the parking problem?

Will Moore: Well, so no, it's a fair question. So North Jay Street, which is a half block to the east, there are some commercial entities there that and Ms. Gallagher mentioned one Loudoun Construction that although the building they're in has a parking lot that many of their employees will use public parking that's available on North Jay Street. And that's perfectly legal, so that's fine. You also heard from Mr. Morales, who's yet another block away at the corner of Marshall and Pickney Street, and he was referring to the block of Pickney that is in between Marshall and Washington Street, where the Town that's one block in town that the Town has to maintain that VDOT has never accepted into their right of way maintenance system. So when we made improvements to that, the former street had had become deteriorated much according or much due to the fact that contractor vehicles would park on the side of it. So we prohibited parking on that block, which was an unsafe area to park. So those are a couple of the areas that the speakers referenced where there are some challenges with on street parking.

Ed Fleischman: So, Will a follow up question. I understand that commercial properties would have the use of on street parking. But. So the residential buildings they don't have a need for on street parking because they have driveways and garages? Isn't that the requirement when they were built?

Will Moore: There were parking requirements that were in place at that time. And again, the townhouses that many of the speakers live in do have off street parking provided. That is correct. Okay.

Ed Fleischman: Okay. Thank you.

Megan Gallagher: Is it possible to clarify that? Because I think we're missing there's a big gap here in understanding. You have 3 streets. I'm sorry. Could I just ask. I don't think we heard what's real about parking there. The number of spots are extremely limited because it's not allowed, and the apartments are on street parking. Others houses facing the street on East Marshall are on street parking. It's full a lot of the time.

Terry Cooke: Well I think the question, ma'am, was.

Ray Morales: When we have guests they need somewhere to park [off mic] because we only have 1 or 2 spaces for our cars in our driveway.

Terry Cooke: The question was, do those townhomes, those specific townhomes that that the Commissioner was asking about, do they have dedicated off street parking as part of their requirement for construction? The answer.

Will Moore: Yes, they do. They do. They do.

Terry Cooke: So that was the question. Okay.

Ray Morales: Not where we are.

Terry Cooke: All right. Anyone else on the Commission have any comments or questions?

Rachel Minchew: Rachel Minchew. I have one question. So with the parking on Jay Street and how it does during the day get pretty filled up with the overflow from the office buildings, has that been something that's been addressed with any of those other businesses down the road about?

Will Moore: I think the short answer is no. The longer answer is that those are unrestricted public parking spaces. So as long as a vehicle is properly licensed and registered, we have no means of prohibiting them from utilizing those.

Rachel Minchew: Is there a time frame? Is there a time limit on those on Jay Street?

Will Moore: There is not. And that is something that could be looked into if. [multiple speakers] Yeah, to address that.

Terry Cooke: Any other comments among the Commission?

Ray Morales: Can we make one more additional comment?

Terry Cooke: Sir, I'm sorry.

Ray Morales: That's fine.

Terry Cooke: We closed the public hearing?

Ray Morales: No, for the applicant, sir.

Terry Cooke: Yeah, I understand. But we've concluded that. Will, did you have something?

Will Moore: No, sir.

Terry Cooke: Okay. All right. We have an opportunity to take action on each of these applications this evening, and we will take separate votes on each of them. And we have the Commissioner's pleasure on those. Anyone care to make a motion? Some alternatives have been presented by staff and I will invite anyone to make a motion at this time. Council Member Jacobs.

Bud Jacobs: I have a question, Mr. Chairman.

Terry Cooke: Yes, sir.

Bud Jacobs: You mentioned Will, that staff has already begun an impact study, at least with respect to parking. Did I understand that correctly?

Will Moore: It's more traffic. Traffic.

Bud Jacobs: Okay. Traffic Impact Study. And when is that expected to be complete and available for us to look at?

Will Moore: Within, I would say, two weeks from today. That's the long end. It might be sooner.

Bud Jacobs: Mr. Chairman, given the issues.

Will Moore: I'm sorry, Mr. Jacobs, just I do want to clarify. There was a public comment suggesting the need for a traffic study in relation to a zoning text amendment, and that is not something that is planned. So the type of traffic study that is done, traffic studies in general look at specific uses, specific intensity. So the traffic study that we're doing is related to the particular applications regarding the special use and the related rezoning, but not related to a text amendment. There's no way to quantify that type of a traffic study.

Bud Jacobs: Understood. I'm prepared to vote on the zoning text amendment. Let's do that one first. Yes, but I'm not prepared to vote on the other two this evening. I think we don't, in my opinion, know enough to make a reasonable decision one way or the other and it hinges largely my view is going to hinge largely on the outcome of that study.

Terry Cooke: Commissioner Woodruff.

Don Woodruff: I second, that idea. I feel exactly the same way.

Terry Cooke: All right. Well, let's take them one at a time, please. Let's have a motion first on I guess we'll call the threshold question of the zoning text amendment. Do we have a motion on that? Commissioner Jacobs, I believe you said you were prepared.

Bud Jacobs: I'll make a motion. Sure. If I can find it.

Don Woodruff: Wait a minute. Turn yourself off.

Bud Jacobs: I meant to turn myself off. Give me a minute. I'm sorry.

Terry Cooke: Oh, sure. Didn't mean to put you on the spot.

Bud Jacobs: Yeah, I got it.

Don Woodruff: Oh, you got it.

Bud Jacobs: I move the Commission forward Zoning Text Amendment 23-01 to Council recommending approval as contained in draft one dated 03-09-23 because the provision of an Inn as a Special Exception Use allows for consideration of the use where it may be appropriate, while also ensuring future applications are considered individually to mitigate potential impacts to surrounding properties.

Terry Cooke: We have a motion. Do we have a second?

Don Woodruff: Second.

Terry Cooke: Any discussion? Rhonda, would you call the roll for a vote, please?

Rhonda North: Vice Chair Woodruff.

Don Woodruff: Yes.

Rhonda North: [inaudible] Fleischman.

Ed Fleischman: I vote to approve.

Rhonda North: Commissioner Minchew.

Rachel Minchew: I vote to approve.

Rhonda North: Commissioner Stein.

Mimi Stein: I vote to approve, and I don't see that it's a dangerous precedent, if you don't mind me commenting. Somebody was concerned about that. But I think this is a service type business that the town could do well with.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Yes.

Terry Cooke: Motion carries. Thank you. We'll turn next to the zoning map amendment proposal. And do we have a motion on that? Anyone.

Don Woodruff: I'm not ready on that yet.

Bud Jacobs: Need a motion to table.

Don Woodruff: Mr. Chairman, I move that we table the Zoning Map amendment 23-01.

Terry Cooke: Until our next meeting?

Don Woodruff: Yes. I'm sorry until our next meeting.

Terry Cooke: That's our May Meeting. Okay. Do we have a second on that motion, please?

Bud Jacobs: Second.

Terry Cooke: Any discussion? Rhonda, please call the roll.

Rhonda North: Vice Chair Woodruff.

Don Woodruff: Yes.

Rhonda North: Commissioner Fleischman.

Ed Fleischman: I vote to table.

Rhonda North: Commissioner Minchew?

Rachel Minchew: Yes.

Rhonda North: Commissioner Stein.

Mimi Stein: Agreed to table.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Yes.

Terry Cooke: Motion carries and that application is tabled to our meeting in May.

Don Woodruff: May 22nd.

Terry Cooke: May 22nd. Thank you. And finally, we turn to the application for a Special Use Permit. Again, I'd be interested in a motion on that one. Anyone?

Don Woodruff: Mr. Chairman, I move that we table any action on Special Use Permit 23-01 the request of the Inn until our next meeting.

Terry Cooke: Thank you. Is there a second on that motion by Commissioner Woodruff?

Bud Jacobs: I second and want to stress that before we move on this Special Use application, the questions that have been highlighted in the documentation be answered by the applicant. 19 verses, 20 operating hours of the restaurant and all the stuff that's not clearly spelled out in the application.

Terry Cooke: Would you consider a friendly amendment and just add to that list the applicant's thoughts on alternatives to addressing the parking concerns of the neighborhood.

Don Woodruff: Yes.

Bud Jacobs: Yes.

Terry Cooke: Thank you. All right. We have a motion and a second. Any discussion? Rhonda, please call the roll.

Rhonda North: Vice Chair Woodruff?

Don Woodruff: Yes.

Rhonda North: Commissioner Fleischman?

Ed Fleischman: Yes.

Rhonda North: Commissioner Minchew?

Rachel Minchew: Yes.

Rhonda North: Commissioner Stein.

Mimi Stein: Yes.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Yes.

Terry Cooke: Thank you. Thank you all. And thank you, everyone who took the time to come this evening and share your thoughts with us on this. We're not done yet. At least.

Don Woodruff: But we are done tonight.

Terry Cooke: Yeah, we're done tonight. We have some other matters to get through. Just a couple this evening. But anyone who wishes to leave is welcome to do so. Our next item on the agenda is the Council Representative Report. Council Member Jacobs anything to share with us?

Bud Jacobs: Yes, Mr. Chairman. A couple of things. Council has.

Don Woodruff: Can we have quiet please?

Terry Cooke: Yes, folks. Thank you.

Don Woodruff: Good. I'm sorry, Bud.

Bud Jacobs: No, that's all right. Thank you. Council did vote to approve a consulting contract with a company by the name of Kimley-Horn for the Madison Street [off mic]. You know them? [off mic] They recently did some work in Lovettsville and helped Lovettsville secure about \$9 million in grants to work on street and pedestrian safety improvements in Lovettsville. And after some discussion, Council thought it made a lot of sense to use this company in its record of success on these issues. And so they approved the contract, which I believe is \$25,000, give or take.

Don Woodruff: Danny's paying it? [laughter]

Bud Jacobs: You know, it's like most things here. Danny is not paying it out. [laughter] [multiple speakers] And then the other big item I have for you is the ongoing discussions on development issues in the R-2 District. Council directed staff, you may recall, to prepare a menu of some possible options that could be taken. Council will consider those options this coming Thursday. And I imagine I don't know how many of them will be approved, but whatever they decide to forward will come to us for consideration next month at our meeting. Is that safe to say? So we'll all see what that looks like. And then the other big issue that Danny and staff at least have been working on is the budget. It's all on the website. You can take a look at it. The reason I want to highlight it is that it became apparent in our discussion of real estate taxes that perhaps we needed as a Council to take a look at the question of I want to say this carefully. What is the role of real estate taxes in our revenue base? It's about 8%. So the question naturally arises, if it's that low, then maybe this is an issue that we need to take a look at and potentially either reduce further or perhaps discard altogether. I'm not saying that's what's going to happen, but that was the sense of the discussion. And I believe formally or informally, it will be added to our list of strategic issues for maybe next year to consider. Did I misspeak?

Danny Davis: I apologize. I missed the topic. I was.

Bud Jacobs: Zoned out. [laughter] Well, then I didn't misspeak, and that's all I have Mr. Chair.

Terry Cooke: Thank you. Bud. Next item is discussion items. Anyone on the Commission have any matters they wish to bring forward for our discussion at this time?

Mimi Stein: Can I just go back and ask another question?

Terry Cooke: If you must. [laughter]

Mimi Stein: I must. Just in our list of items that we were going to talk to the Inn people about, can we just get the number of occupants for the restaurant? Because they kept talking about square footage, but nobody mentioned occupancy. In addition to ours. I think that would give us more information. Thank you. Sorry to go backwards.

Bud Jacobs: I left out a couple of.

Terry Cooke: Special Exception Requirements?

Bud Jacobs: Sure. Yeah. On the R-2 discussion, I left out two important elements. I don't know what the sequencing will be, but certainly the council is going to hold at least one public information session to hear from residents in the R-2 themselves about what they think the threats, the risks and possible solutions might look like. And then I think probably after that we discussed and agreed I think that there should be a joint meeting of Town Council and the Planning Commission to go over these questions and see where we land.

Terry Cooke: Very good. Thank you. Next item is our quorum for the May 22nd meeting, which promises to be a very interesting one.

Don Woodruff: You know what Winston Churchill said about that.

Terry Cooke: I probably do, but I can't recall.

Don Woodruff: These are interesting times, but they aren't necessarily good.

Terry Cooke: So everyone who's here will be here next month.

Ed Fleischman: I most probably will not be available.

Terry Cooke: I'm sorry. That's not acceptable. [laughter]

Ed Fleischman: I'm going to be in Eastern Europe, so I don't think.

Terry Cooke: You're not going to Ukraine, are you? [laughter]

Ed Fleischman: Close, but not over the border.

Terry Cooke: Well, we hope you're able to be here, but if not, we'll understand. Okay with that, folks, thank you all for being a part of this evening's proceedings. And we'll see you next month. We are adjourned.

Don Woodruff: Thank you, Mr. Chair.