

**PURCELLVILLE TOWN COUNCIL SPECIAL MEETING
WEDNESDAY, JANUARY 15, 2020, 7:00 P.M.
TOWN HALL COUNCIL CHAMBERS/VIRTUAL**

The Special Meeting of the Purcellville Town Council convened at 7:00 P.M. in Council Chambers with the following in attendance:

PRESENT: Kwasi Fraser, Mayor
Tip Stinnette, Council member/Vice Mayor
Joel Grewe, Council member
Ted Greenly, Council member
Chris Bledsoe, Council member
Nedim Ogelman, Council member (Left at 9:37PM)

ABSENT: Ryan Cool, Council member

STAFF: David Mekarski, Town Manager
Sally Hankins, Town Attorney
Andrew Conlon, Senior Planner
Patrick Sullivan, Director of Community Development
Diana Hays, Town Clerk/Administrative Assistant

CALL TO ORDER:

Mayor Fraser called the meeting to order at 7:00 P.M. The Pledge of Allegiance followed with a brief moment of silence. He stated that we do not have a quorum at start.

CITIZEN/BUSINESS COMMENTS:

Mayor Fraser stated that we have a quorum. We will go to Public Comments first on the agenda.

Mr. Jimmy Reynolds stated that he resides at 801 Cobblestone Boulevard, Fredericksburg, Virginia. The assignment of the Ag Land Use without any compelling arguments is an attempt to arbitrarily inappropriately shoehorn a Land Use designation on the property. The discussion at last night's TC Session regarding the dots placed during the Public Session conducted back in 2016 was inaccurate and misleading. The property now depicted on the Future Land Use Map as Area 2 of the East End Focus Area, there were exactly five dots placed by the public: One for Residential, two for Mixed Use, and two for Open Space, which, by the way, is not Land Use, and widely acknowledged and accepted by members of both the PC and the TC as something which cannot be dictated or forced on a landowner. That's 80% in favor of a use other than Open Space. He stated that it is also interesting to note that at this Public Session, and during no other Public Session, was there ever an Agriculture dot selection for the public to make and place on any map and during the Planning Commission Session back in 2018, the Planning Commission Chair stated on the record, that he did not believe that the public at that session back in 2016, most likely did not have all relevant information upon which to base an informed dot selection. As a case in point, dots were placed on properties for which public input aspirational or otherwise, should never have been allowed: Crooked Run, Patrick Henry College, Catoctin Corner. He continued with that said, the contention that the Land Use designation of Agriculture can be construed as being the will of the people is without substance or public input, and any attempt to do so is a complete fabrication. Mr. Reynolds continued that additionally, the comment made during last night's meeting about not wanting to minimize the public input regarding East End Area 2 is misguided and misrepresented. He said there were exactly five dots placed on Area 2 which is insufficient data under any circumstances to infer a will of the people's contention and to do so is a misrepresentation of fact, and a violation of the transparency mantra espoused by the Mayor and this Council. The Ag designation and Zoning District were specifically uniquely to preserve the Crooked Run property, not to be

arbitrarily assigned to properties which have absolutely nothing to do with farming or agriculture, and quite frankly, never will. The application of the Land Use in this plan has been clearly shown to be frivolous and arbitrary.

Mr. Reynolds stated at last night's session, the Town Council switched the Ag designation between Areas 4 and 5 on the Hirst East End Focus Area. There was no compelling justification. If the initial AG designation for Area 4 was valid to begin with, then absent defendants set of arguments there would be no reason to change it, but it was. I implore you to make your own determinations and not be swayed by those intent on rushing this plan to Public Hearing against the publication deadline. This plan has been five years in the making. The goal should be to get it right. The arbitrary and capricious use of the Ag designation should be stopped here in its tracks and enforced. It's time to do the right thing. Thank you.

Mayor Fraser stated thank you. We will now hear from Ms. Patricia DiPalma-Kipfer. She passed out a document to the Town Council.

My name is Patty DiPalma-Kipfer, 38038 West Colonial Highway, Town resident. Since citizen comments are made before actual discussions and decisions are revealed from the previous evening, she feels that she is at a disadvantage since she can only comment and address the issues and concerns of what she witnessed and heard the previous night. She would like to re-enforce what it means to embrace good planning practices.

1. There was much discussion and debate on the potential traffic that would be generated on the East End if my property designation remained as Commercial Median Scale. She would like to remind the TC members who rejected her Land Use change, that her property has an interparcel connection with Catoctin Corner. This was requested by the last Town Council to alleviate traffic off of West Colonial Highway and the two lanes traffic circle by allowing another entrance and exit onto Route 287 and West Colonial. This is a sign of good planning.
2. During the past four years, at practically every Planning Commission Regular Meeting, Special Meeting, or Work Session, it was round and round debated but never justified, how her Land Use designation changed from Mixed Use/Commercial to Mixed Median Scale, to Agriculture/ Commercial, to Rural Transition, to Agriculture, and now possibly back to another bumper sticker of AG/Tourism/Commercial.

Frankly, with so many changes, as a property owner, how can she believe or trust anything that is presented to her by the Planning Commission or some members of the Town Council. This is unconscionable. Clearly, without justification, trends, or analysis, this Land Use designation does not fit her property, or it would have been won and done years ago. In other words, any designation other than Commercial Median Scale is not a fit for her property. Ag has never been mentioned by any previous Town Council or introduced at any Public Comment sessions. The introduction of AG was strictly the handiwork of the PC and some members of the TC. She is currently zoned in Purcellville as Transition X, but she is taxed by Loudoun County as A3 or one house per three acres. AG anything has never been considered for her property. Why? Because it doesn't fit. Further, AG cannot be taxed sufficiently to make a monetary difference to the Town citizens by reducing the current \$54,000,000.00 Town debt. More reason for her property to remain Commercial Median Scale.

If the intent of the new plan is to limit density, then it should be determined in zoning and not the Land Use designation of the Comp Plan. If she understands correctly, what she heard last night is on Page 46. You are changing AG to AG/Tourism/Commercial. This is the Land Use designation given solely to Crooked Run Orchard Farm and has nothing to do with her property. Let me explain. As stated in the Town Plan, this new Land Use category is meant to protect and enhance the Crooked Run Orchard property, and "is intended to permit the continuation of the existing Agricultural uses on the property, while allowing future commercial uses that may be compatible with AG and to provide additional options for income from the property." As settlement and compensation for an ongoing lawsuit between Crooked Run Orchard and the Town, the Town initiated Comprehensive Plan Amendment CPA 1401 to designate Crooked Run's plan Land Uses AG/Tourism/Commercial. Ordinance 1501-03 was issued to include the approved related Town initiated rezone from Transition X to RZ1404A/C, which is Agricultural/Conservancy Commercial.

Again, let her remind the TC members who rejected her Land Use by saying her postage stamp property consisting of approximately 2.5 useable acres is not a farm and will never be a farm. What may be right for Crooked Run Orchard is wrong for her property. TC members she can't be any clearer. Let her Land Use designation remain Commercial Median Scale, and let the zoning administrator do his job in controlling density. This is good planning. Thank you. Mayor Fraser stated thank you very much.

Mr. Casey Chapman stated that he resides at 151 North Hatcher Avenue, Associated Properties, 161 North Hatcher Avenue. Hirst Road on the land that is being discussed on Hirst Road between Maple Avenue and Hatcher Avenue, the proposed use of Agricultural/Tourism/Commercial is a drastic down zoning of the property, as well as not practical when looking at it from a tax base perspective. It's going to be underutilized as that designation and you are not going to be able to capture all the tax revenue that you could under its current use, or future better use. We've had many interests in the property for various establishments that the Town says that they want to come to Town under that zoning designation with the list of permitted uses he sees in front of him. It doesn't appear that those will be met or will be able to come.

We are strongly opposed to that designation. And we prefer it not to be that. He just wanted to come and state that ourselves. Furthermore, it seems that no other property is designated that on Hirst Road from Maple Avenue all the way to 690. So, for our small, five acre parcel, designated Ag, he doesn't see how the Town can see that as a positive thing. It clearly is spot zoning for whatever reason the Town has decided to go that route, and we will address it in the future if that route is taken. Thank you. Mayor Fraser stated thank you.

Mr. Stanley Milan stated that he lives at 232 East Skyline Drive, Old Dominion Housing Development. He stated that he hopes the Council does what's best for the community and for the citizens here. He had heard people mention that no one from the community has made comments. Mr. Milan shared that these meetings are not well publicized and he has been here since 2010 with this being his first time coming to the Council Meetings. He would like to see development for the interest of the people and has seen a lot of development along Main Street and is concerned about Hirst Road where they are building up the dirt if residents are put there, there will be too much traffic for that one street impacting the fire department and getting in and out of the Town. Mr. Milan also pointed out the street adjacent to the fire department where the high school is located, there's a lot of traffic going to and from the schools and stated to just make the best use of this opportunity to do what is right for the people in this community.

Mr. Clinton Chapman stated that his home address is 1611 54th Street, West Bradenton, Florida. He is part of a management team of Stoneleigh Golf Country Club, Round Hill, VA and is a real estate agent out of Berkshire Hathaway Penfed Reston Office. He was one of the principals in the Berkshire Hathaway marketing team that sold the 12 acre Mayfair Commercial Site and was present at the past Town Council meetings during some of the public comments and Public Hearings when Brookfield was trying to get that parcel of land rezoned to commercial to get the project underway. He stated that there was a lot of discourse and there was public opinion against it, but in two and a half years the 12 lots were sold with sewer tap fees paid to the Town. He stated he was not at the meeting as an advocate for any one parcel of land in or around Round Hill, but as a business person who sees potential in certain areas. Mr. Chapman stated that Purcellville has a tremendous amount of potential to continue to be a great area, but towns that close off, tend to perish and tend to die within. He requested Council take away any personal bias that they have and look at what is best for the Town, best for the people of the Town, to be able to continue to flourish, and continue to bring new people into Town, new businesses into Town, and continue this tremendous activity here in Purcellville when it comes to the Comprehensive Plan.

DISCUSSION/INFORMATIONAL ITEMS:

a. Plan Purcellville Comprehensive Plan, Version 6.0-Review of Council Matrix/

P. Sullivan

Mayor Fraser stated that we will go right into the Comprehensive Plan and be completed with whatever can get done by 9 o'clock. He inquired of David Mekarski, the Town Manager whether or not he had anything to add, guidance.

Mr. Mekarski stated yes. Both he and Stanley would like to offer some comment. At the Council's request, our Planning Department, Patrick and Andrew, put together that matrix that you have before you that compares various Comprehensive Plan areas, and what kind of uses those would allow. He has pulled the first column the Agricultural/Commercial District from the previous plan. He has outlined those uses so you can compare.

Mr. Mekarski stated that this morning when he was looking at the preamble, we all know that was originally designed for the preservation and protection of Crooked Run Orchard. It is clear in that preamble, it's designed essentially to preserve the family farm, and give a large landowner an opportunity for some economic opportunity while still preserving the majority of the acreage. That's why, if you look on the matrix, Number 19, it only allows for a maximum coverage of 40%. So, if you have a 100-acre farm, only 30-acres would actually be allowed for either Agricultural related and/or Tourist activities. The tourist activities that are allowed, *(Audio/video goes off from (19:24-38))*. Obviously, the small areas, a bed and breakfast, a spa as well, hotel, an art gallery or shop in isolation, or a restaurant. He has been a professional planner for 40 years. He is a certified Professional Planner from the American Institute of Certified Planners. One of the cautions that he has advised communities all across the nation, in nine different states and 11 different communities, is not to do comprehensive planning on a lot by lot basis, or a tax parcel basis. It is really designed to look at your corridors. As we were going down to the final stages, some individual parcels have been isolated and he thinks that weakens the integrity of the document. Mr. Mekarski suggests that when looking at these uses, to look at the size that is remaining. As Patty Kipfer mentioned, she has the three acre parcel on Main Street adjacent to our highest Commercial Zone, but there is only 2.5 acres that is useable. The Agricultural/Commercial designation which is primarily allowing for economic allowances for a family farmer, really none of those uses would ever be able to fit on that parcel.

Mr. Mekarski stated that his encouragement is to look at other opportunities for the AG/Commercial designation that we were discussing yesterday. The same probably does apply for the Chapman property also on Hirst Road as well. When you look at it again, the intent, the enabling law to that, that parcel was never a farm. It doesn't have any kind of attributes that it could ever become a farm. That parcel also would not be suitable for the majority of the uses within that category. He knows that Councilman Ogelman suggested possibly leaving it in the former Comp Plan designation of Commercial Office. That might be something that the Council may want to consider. Our legal advisor also has some additional comments regarding the application of those Districts.

Ms. Sally Hankins, Town Attorney, stated that what she would like to offer as advice since we have gotten to the place where we are talking about individual parcels, she wants to make sure that everyone understands that if you are making a decision based on a reason like an environmental impact or traffic impact, that you understand the science underlying that rationale. You understand the traffic. You understand how that traffic is similar or dissimilar to similarly situated properties. You understand why you would make one decision in one case and another decision in another case if the numbers aren't different. What we are required to do is to show a rationale. Comp Plans are drafted based on not only public opinion, but also expert opinion, and science. The science part of it, we would want to make sure we had documented it in the record. What she can offer also is that when you make a decision about a parcel for environmental reasons, she thinks the better approach for that is to develop an Environmental Ordinance zoning or through a stand-alone Environmental Ordinance, like your Floodplain Ordinance, Wetlands Ordinance, things like that, that tackle the environmental issues in the same manner for every property. So, that any parcel with that environmental issue is treated under the same regulations, so that the Land Use is really a vision for use. It should be pretty consistent along the corridor, unless there is a strong reason why it should depart. The zoning and the regulations that we apply to uses, and we apply to land that are applied equally across the board to all land in Purcellville; they can really help you navigate traffic impacts,

environmental impacts, trees, other public issues, open space. Those issues get tackled through Ordinance less through planning.

Mr. Mekarski stated just a final point. This is why yesterday when we were getting into the details of Land Use categories for the future Land Use Map, he thinks the majority of them can be resolved through the development of a new Zoning Ordinance and a Zoning Map, because you have so much ability, even though you might have for instance, hypothetically, two Commercial Median Scale properties, but you are concerned about that Commercial Median Scale in a particular area. He stated for instance, over by Berlin Turnpike, and Colonial Highway, and Main Street because of traffic impact. He stated or in the case of the Chapman property because of the environmental sensitivity of Catoctin Creek and the floodplains. We can treat those in the next step, in the Zoning Ordinance by having some environmental overlays and defining that there needs to be some environmental evaluations to go forward. In the case of the Berlin Turnpike and Colonial Highway, it could be Traffic Impact Studies. We can require litigation.

Mr. Mekarski stated that one of the most successful things that we did in Olympia Fields was in the undeveloped land; we stripped away in the Zoning Ordinance a lot of the Euclidean Uses by right. We had the Comp Plan, but that's what our vision was going to be by corridor, not by individual parcels. Those individual parcels were zoned Planned Unit Development with possibly Planned Unit Development with some overlays, like the Lincoln/Western Corridor. It required no uses by right. It required a detailed Site Plan Review process, with all kinds of studies that would be applied: Traffic Impact Studies, Environmental Impact Studies, possibly an area analysis, and then it would go to a deliberative process with the Planning Commission and the Council. So, ultimately we were able to tailor the kind of Land Uses that our citizens wanted, and yet we preserved land rights for the owner. He doesn't think that you have to get too much into the weeds in the Comp Plan. You've got an excellent plan. It lays out an excellent vision on a corridor perspective. That next task is not an easy task. It's something that the Administration is going to work on for probably well over a year. But we know how to do it. And we have the skills in-house. We are going to go out on an RFP and get some of the best professional consultants to assist us in it. We'll have a deliberative process with the Planning Commission and the Council all the way through. And he thinks you will see that the record that you are establishing and we understand that record, and we will review the record, we will put those kinds of overlays and those elements into the Zoning Ordinance to address what the residents want. Mr. Mekarski stated that hopefully today, we can get a happy medium and set the stage for that process to come into next year.

Mayor Fraser stated thank you very much. He stated before he opens up to questions, he has a question. On this grid, "Agriculture/Tourism/Commercial," we have 13 uses listed. He thought there were more uses in our zoning. Why only these 13? Mr. Mekarski stated that Andrew is looking at the existing Land Use Plan. He inquired of Andrew if he could discuss the column. Mr. Andrew Conlon, Senior Planner stated that what's reflected in those right now, about 15 items, that's drawn directly from Page 115 of the current Comprehensive Plan, Purcellville in 2025. It's just three paragraphs that deal with Agricultural/Tourism/Commercial the Land Uses. That's the entire list. Mayor Fraser stated that's just taken out from the plan, it's not looking at our existing current uses. Mr. Conlon stated that's correct. It's text from the plan.

Ms. Hankins stated wait a minute. What do you mean "current uses?" Mayor Fraser stated if he was to go to the community code and pull out Agriculture Zoning, Agriculture/Commercial. Ms. Hankins stated right. This is not zoning. These items are the uses envisioned in the plan, not zoning. Mayor Fraser stated correct. But some of these uses are in the zoning. You will agree with that? If he was to look at bed and breakfast inn, that would correspond to the zoning. Ms. Hankins stated right. Mayor Fraser stated that he brings that up to say, aspiration becomes reality. And when we aspire to see what our community will be in the future, right, we have some inclination of what the ultimate zoning will be. So, instead of going through this exercise of aspiration and not looking forward to the future for the zoning, he thinks we can take a lot of cycles out by taking it farther ahead. So, when he made the proposal of Agriculture/Commercial, he believes we have the legislative authority to label a future use or designation, and then fill it with whatever use we need to fill it with. That again, would be the voice

of the people and that would be beneficial to the Town of Purcellville. So when he looks at the "A/C" designation, he sees that as, "Okay folks. Let's pull in all of the potential uses there and let's have a discussion on again, everything in its place in its place every day." Where would that designation best suit Purcellville, based on the voice of the people we heard from the Comprehensive Plan?

Ms. Hankins stated that she hears him. She stated looking ahead matters. You are trying to predict where we are going and make sure we understand what leads to the next thing. Mayor Fraser stated correct. Ms. Hankins stated and she understands that. We had been asked to put together a comparison based on the plan language. It sounds like maybe you would find it beneficial to put together a similar comparison based on zoning, and not on the plan language. That can also be done. We would have to guess a little bit, but it's not too hard. Agricultural/Tourism is very clear what zoning designation corresponds to that. The Mixed Use Median Scale, Commercial Neighborhood Scale, it's not as clear if they lead to the same zoning designation or not. We have a Mixed Commercial Zoning designation and we could predict that perhaps both of those planned Land Uses would lead to that same zoning category. We have a Commercial District. We could put together a similar chart that looks at zoning and not the plan. But the zoning will change. But if you just want to get a snapshot of what it looks like today, we can do that.

Mayor Fraser stated absolutely. Thank you very much for that. He has a follow-up question. Can "we," as a Council, take the Agriculture A/C and make it into what we want to make it into? He brings that up because he heard consistently from the speakers tonight that A/C was dedicated for Crooked Run Orchard. Can we strike that, that this is no longer Crooked Run Orchard? This is our aspiration for that zoning. Is that illegal?

Ms. Hankins stated right, you are talking about amending the current plan so that the Agricultural/Tourism/Commercial planned Land Use is not as singularly focused on Crooked Run. Mayor Fraser stated correct. Ms. Hankins stated and it is a more general category. And yes, you can do that. You would also probably want to at the same time, not just strike Crooked Run Orchard from the paragraph, but also explain. She has that paragraph on her computer. It looks to her as though it were written to allow farms a way to make money and survive as farms, because farming is just so difficult. It gives them other economic opportunities that they can put on their large land parcels to generate income. When you are looking at a 2.5 acre parcel, or a 10 acre parcel, we would probably want to change this language, because we are no longer looking at Commercial that is going to sit in a farm and act in a way to further the interest of the farm. We are now looking at stand-alone parcels that aren't connected so directly with farming. They could serve a larger farming community outside the Town, but we have to think that through a little bit to figure out how you apply this to a smaller piece that isn't necessarily a farm.

Mayor Fraser opened to Council with starting from Council member Ogelman.

Council member Ogelman stated (*inaudible*). Council member Ogelman inquired have we created any new Land Uses in this grid, any new forms of zoning, anything like that in this Comprehensive Plan? Are there any changes being made to this Comprehensive Plan relative to the (*inaudible*)? He would say there are all sorts of big changes being made, including going from more Euclidean kind of zoning to more form based. There are lots of changes that have been proposed. Some of these changes, if scale isn't accounted for, it basically would just be like having no zoning as far as the definitions. So, this discussion about the specificity of what's happened historically, he thinks what we need to do and what we really are talking about is creating a new kind of Zoning District. He doesn't agree with what some people were saying about those citizen comments. We have what citizen input we have from the elections that brought us here, from the surveys that the Town has held, from the (*inaudible*) that we see, from the whole cluster of data, including the data that was included in this Comprehensive Plan that was put out officially as part of that. And he thinks we owe it to try to stick to that. He thinks these discussions about historically what has happened in these areas, there were times when commercial going into that eastern side of Main Street, that area, that was done against what he understands the staff interpreted the previous Comprehensive Plan to say. And there were reasons why people have said they wanted Gateway to look a certain way in this area, things like that. There were reasons why people were concerned about that. He stated because

that was ignored at one point in this process, does that mean that from now on then those facts on the ground dictate that the zoning is set there? He is hearing some of what you all are saying and that's what it sounds like you are saying. Ms. Hankins stated no, she is not trying to say that. Council member Ogelman stated now, those two parcels this is exactly it. He stated to him it is not about the size of those parcels or anything like that. It's about what the concept was. What the consistency was. And what citizens have said. What existed in the prior planning, all of these kinds of things, and how they apply to that area. If you all are saying the fact on the ground changed in one direction, then that is determinative of what kind of zoning we should be considering in these areas, he doesn't know why we are changing any of the Zoning Districts. We should just stick with what already exists, period.

Ms. Hankins stated no. She stated to put it very bluntly, you can change. You can change your policies. You can change your way forward. You can change your vision.

Council member Ogelman stated when you say "you," you mean me personally? Ms. Hankins stated she meant the Town, not you personally. Our Town can change its policies, its vision, and its documents accordingly. Council member Ogelman stated (*inaudible*). Ms. Hankins stated the point that she wants to make is when the Town changes its vision, or as "we" as an Administrative Staff, we change a policy internally, we can do that. But we also are required to be non-arbitrary and consistent across all people, and all lands, all citizens. One way to achieve that consistency and the non-arbitrariness is to document. She always says, "If we are going to shift, we can shift." We need to document why we are shifting. Why the old way is no longer a good idea, and why the new way is a better idea to achieve our objectives.

Council member Ogelman stated he would say to that isn't that what this entire process has been about. Isn't that why we said, "Okay. We are going to do our best to get citizen input. We are going to take that citizen input seriously. We are going to have all of these sessions. That's why we have a Planning Commission that works on this first, all of those."

Ms. Hankins stated yes, and citizen input is expected and even required. So is the data part, because you do want to make sure that the data supports the decision that you make. If parcels are similarly situated, you want to make sure that you are applying the data in the same way to both.

Council member Ogelman inquired what do you mean by "data?" He would say that we are using all sorts of data in this. Ms. Hankins stated right. So, say you are basing a decision for a parcel on environmental impact. You would want to make sure that that same environmental impact has been accounted for across all land within Purcellville. If you are going to use that as a reason for a parcel that has to be also a reason that is applied to other parcels that have a similar situation. Council member Ogelman stated sort of like what we were talking about yesterday with respect to the floodplain and the changes. Ms. Hankins stated right, exactly. Council member Ogelman stated that he would say that the data is what was driving that whole conversation yesterday with respect to the floodplain matter. Ms. Hankins stated that this has been a yearlong process. That data isn't before us right now. She hasn't looked at it in the same way he has. She is offering that advice, that if there is data to support that decision, let's just make sure that when we apply it in one way to one parcel, that we are applying it in the same way to the other parcels. Council member Ogelman inquired is the historical record of what has happened, is that part of the data? Ms. Hankins stated yes, the entire five year process is our record. And when we go to defend a decision, we would use that record. Council member Ogelman inquired what about before that because the Town has brought parcels in as Transition X. Several parcels were brought in, but one parcel was designated. Another parcel wasn't.

Ms. Hankins stated that she is focused more on the decisions that we are making in this process right now, and what we base them on. Council member Ogelman stated yeah, certainly not to be arbitrary; he thinks that we are working hard to not be arbitrary. Ms. Hankins stated right. Council member Ogelman stated and to some extent, our discussion about private land rights, if we are consistent with that, then we should just have it be free form,

sort of like the Wild West. But, if we are going to have zoning, that already is not hard to (*inaudible*). The fundament that makes that not arbitrary from his perspective is that you are following some communal rules and a philosophy that says, "The community is going to decide through its government based on the Police Act how they are going to be doing these things. That includes health, safety, and welfare." Ms. Hankins stated right. And the lines do need to be drawn somewhere. We just need to be able to articulate a reasonable rationale for why the line is here and not there.

Mr. Mckarski stated that he just wanted to add, he thinks that in Council member Ogelman's comments, the answer is found, because in many of your comments you were talking about zoning. We are sort of getting ahead of our skis. As everyone knows in this room, we adopt this Comprehensive Plan it is not going to take away anybody's existing Land Use Rights that are prescribed by our existing Zoning Ordinance. They will have the right to go through a permit process and a Planning Commission Review process, and a Council Review process, where required, and have the uses that are defined by the Zoning Ordinance. This is an aspirational document. The impact on Land Use Rights will take place when the Council considers legislatively amendments to the Zoning Ordinance, both the text and the maps. He thinks the best way to approach it is with the proper aspirational Land Use category. If there are special areas of concern that require whoever is in this seat, and whoever is the professional planner, and whoever is the Town Attorney, and whoever is the professional consultant, that is going to be working on the Zoning Ordinance, that they know that during the Comprehensive Planning process, while you are designating Commercial Median Scale, or Mixed Use Median Scale, or Office/Commercial, that there are certain areas that have to be looked very closely at when we are going through the revisions to the Zoning Ordinance. You could put environmental sensitivity overlay right on the Comp Plan on that floodplain, not applying to just one property, but the entire Catocin Creek area.

Council member Ogelman stated that he feels that is what we have been doing and that's what the Planning Commission is doing. Everybody is focused on the aspirational components. That has been the driver of all input we have been discussing, and he feels like they have tried to link it to the public input and comments they got, the majority, and he thinks that we are trying to do the same. He stated and absent those things, he wants to know the technical expertise and all of that too. But this is all being based on the aspirational. He thinks the conversation yesterday was based on the aspirational. It makes sense to him to toggle between that and what the zoning uses are, and what practical things are related to that to try to make sure that you are not going to do something that you didn't intend to do. He doesn't see that we are really doing something different than what you are describing.

Ms. Hankins stated that she can just give an example. Along the Hirst East Corridor, if the vision is, and she thinks we settled on Business/Industrial for that corner across from the fire station. If that corridor is envisioned as really a primarily a Business/Industrial Corridor, then we could allow that whole corridor to be designated such. And we achieve the environmental protection through other overlay Districts. If the aspiration is that we would like to see Industrial/Businesses there, then that's the aspiration. Another aspiration is to protect our environment. That should also be contained in the plan under the environmental section. And then when you marry those two up through zoning, that's when you see, "Okay, we want Industrial/Business, but we also need to protect the environment." When someone comes in to apply for a use of a particular parcel, you require them to submit studies that evaluate the environment of that parcel, and evaluate the traffic at that parcel, and evaluate the trees, the landscape, and the topography of that parcel. That site specific study is where you get the data that tells you how to limit that parcel so that it complies with those aspirations through these regulations. She thinks if your vision is Industrial/Business, and that's the vision, and we curtail it later through Ordinances that protect and address the specific impacts that you are concerned about. Those impacts can address not for just one parcel in that corridor, but for every parcel in that corridor.

Council member Ogelman stated that he just wanted to state how did we arrive at these areas that we are talking about so much? Why are we focused on these areas? It's because this Comprehensive Plan process drove us to those areas. Those are the areas where the vision needed to have a significant value discussion. We're not talking

about 85% of the Town. People that participated in this process, aspirationally, they think it is what it should be. He thinks that we are doing what you all are describing.

Council member Grewe stated before we get into the nuts and bolts of this, a couple things. He thanked Stanley for his comments. He appreciates it very much. He thinks that one thing that we spoke about last night and it was agreed upon by the Council as a whole, is that particularly back in Skyline Drive we didn't see any potential reason to put Residential there. We didn't think that made sense. He thought that was one of the concerns that you brought up. He thinks that we are in agreement that that was not a good match. He thinks you have the Council in agreement with you on that. Also, thank you for your service. Appreciate it very much.

Mr. Grewe stated that being said, beyond that Sally, he appreciated her comments. That is insightful. One of the things that we need to remember is that the Comp Plan, though very impactful and very powerful is one of several tools. We use it in tandem. Sometimes we forget that we have multiple tools at our disposal. When all you've got is a hammer everything looks like a nail, right. Sometimes you have to say, "Okay. This is this. And then we'll go to the screwdriver, and here's my pry bar or whatever else I need to be able to make this crafted well." He thinks that we should remember to do that rather than trying to use one thing all the time. He appreciates the insight on how we can use zoning to achieve some of the protections and scaling that we need within the context of the larger kind of aspirational guides.

Mr. Grewe stated that his last piece before we get into the nuts and bolts of this is that he thinks it is worth remembering, if he is reading this correctly, that designating something Agricultural doesn't actually protect any green space per se. The zoning might within that. And the use will be limited in some form. But it doesn't actually stop there from anything being put there per se. That's not a good sign. If we wish to do that, he likes Chris's comments from last night, if we wish to find areas of the Town that we wish to preserve in green space, which he thinks is a very good and laudable thing, and frankly, as a father of three little boys who would desperately like a place to play and run, with playgrounds, whatever, that's a thing that the community does desire, it should be done. If that's to be done, it should be actually acquired or purchased, rather than an attempt to take someone down regulatory wise to where they just can't get anything on the land. That's manipulative at the minimum, if not arguably a taking, when you strip away every single use of it. It's not the legal definition of it but it heads that way. That makes him uncomfortable. If the Agricultural designation is used in that regards from a Land Use perspective, he finds it troublesome to an ethical perspective. He thinks if we want to do that, we should, and we should do it the way that Chris suggested last night, buy the land, have it donated. Have people voluntarily put the land in conservancy. Those are all excellent decisions that respect the freedom of the individual landowners, and frankly, follow along with a principle that he kind of assumed in the beginning how we would do governance here. Frankly, he doesn't think that he ever articulated it. But it is relatively commonly heard. Sally organized this one. It's the least restrictive means. You will achieve your end with a minimum invasive work action on behalf of any resident, owner, citizen, or free person. The goal is to preserve freedom as much as possible while doing what needs to be done with the minimum negative impact on the person in taking that. He thinks that the approach that he wants to go towards here. He thinks it is a useful form of governance if it can be done. That's the extent of his comments. He thinks that Tip may have had a few more. And then he thinks we can get into some of the work tonight. He would really like to do so.

Council member Stinnette stated first of all, he wanted to thank Andy, David, and the rest of staff for putting together this pictorial analysis. He thinks it is very helpful. He is kind of aggravated since we didn't ask you for this earlier in the process. He wants to get to the discussion on dots. He doesn't want to spend a whole lot of time on it. He thinks Jimmy made a fair point on that. Nedim has made a fair point on that. He just wanted to remind everybody that we run a representative government, so regardless of all the data points that we have collected through this process; at the end of the day it's the Council who represents the constituents and make a determination. When the constituents are unhappy, they vote the Council member out. That is kind of where he lands on the dots. He thinks that they can help reform things. He thinks that Jimmy's point this evening was a fair point.

Council member Stinnette stated that for Council, he would commend to us to at least take stock of the advice that staff has given us. He thinks David, and his planning background, and Sally, and her legal background; it's almost a stop, drop, and roll moment for him. It certainly reminded him of his graduate studies on comprehensive planning, and the fact that by and large you do look at core aspirations. And you don't try to spot Land Use.

Council member Stinnette stated with respect to the East End, because he wants to knock the East End down, he'd like us to put a fork in the East End this evening, or make a decision that we're not going to work to the 90 day timeline on. He will tell you that he has two red lines for the East End. A. He doesn't want to exacerbate the traffic situation along the Main Street Corridor. B. He is not a fan of continuing the form and fit of Catoctin Corner. He is mostly concerned with the perception at this point of spot Land Use that is inconsistent with the neighboring environments and their Land Use. He believes it is a potential litigation risk. His appetite for assuming that risk as a community is not very high. He thinks that Agriculture/Commercial is a fairly blunt instrument in addressing his two red lines. His two red lines are traffic and continuing the form and fit of Catoctin Corner. He thinks that we can address his two red lines with a more appropriate Land Use. He would like to have that discussion this evening. And he would like to make that Land Use a little bit more consistent with the corridor that we have there now.

Council member Stinnette stated that in defense of folks that may be advocating for the Agriculture/Commercial, we did advocate for the green band on the East and West End. He could see that argument being made. He is concerned about the 30% current restriction Zoning Ordinance. If we were to go down the road that Kwasi is advocating, we would not need to kind of tear up the Zoning Ordinance as it exists today for Agriculture/Commercial and redesign that so that it is a Land Use and zoning that is not specific to Orchard Run, but can be applied more generally across the Town. And if, in fact, that is the course of action we want to take, then we may be talking about options for going beyond 90 days, because he is not entirely sure that we are going to be able to resolve that this week.

Council member Stinnette stated with respect to the Chapman property, thank you for your comments this evening. He gets where you are coming from. He is going to tell you right now he is not a fan of the current LOMAR. If given a voice on that, he would not advocate that floodplain LOMAR. He also thinks that designating your property Agriculture/Commercial is inconsistent with that first core. He would be interested in us coming up with a more consistent core or Land Use that we can apply to that stretch of property of land. He shared this with Kwasi and other Council members, he is sincerely concerned about being taken to task for "capricious spot Land Use." He can play that out with opposing counsels. He thinks we can give our counsel better logic to defend. As of right now, he doesn't think that we have given you the best logic to defend. He would like to argue up a little bit more than where we have you right now. He thanked the Mayor for letting him offer his comments.

Council member Bledsoe stated as the staff was speaking, and others were speaking, he made notes that Tip just very concisely reflected in many ways. This matrix is very helpful. Thank you, Andy and staff for this. One lack of distinction that he sees is the difference between Commercial Neighborhood Scale and the Commercial Median Scale. The same exact checkmarks on each one of them for the exact same uses.

Council member Stinnette stated that it's just a matter of scale. That scale, believe it or not, is not necessarily addressed in the Comprehensive Plan, but is kind of foretold in the Comprehensive Plan and actually flushed out in the Zoning Ordinance.

Council member Bledsoe stated that they both say, "Two to three story buildings," but it would be the number of buildings within the land. Council member Stinnette stated square footage. Council member Bledsoe stated okay, thank you. He appreciates that clarification. He stated particularly as David and Sally were talking, this gets back to the comments that Tip made reflects the same, and in considering some of the discussions last night, it brings back memories of his time on the Planning Commission five, six years ago when we started this Comprehensive Plan Review, and some of the intensive training that the entire Planning Commission went through. He thinks

many of our Council members have as well. The thing that reminded him of something that he considers very important, and others have said this as well, is in the zoning process using corridor base zoning, not spot zoning. You don't go parcel by parcel and set zoning or Land Uses within those that are going to be reflected within zoning changes on a parcel by parcel basis. That's something that is foreboding in the planning process, and they drive that home pretty hard when you are going through that training and understanding that Comprehensive Plan process, he believes.

Council member Bledsoe stated that the other thing that struck him, as Sally said last night and again tonight, is that whatever the potential Land Uses that we define for a corridor within there we have the ability to set overlays, both in the Comprehensive Plan and zoning, which is for areas of particular concern, whether they are environmental, or traffic, or other impacts, in terms of how they impact the community. He thinks as Tip suggested, we need to revisit some of these areas. He thinks we need to discuss and make sure we are making the right decisions. He thinks that we need to apply that corridor base zoning. He would like to see compatible uses for properties, or parcels, or areas of Town that are adjacent within the same areas, whether that is Hirst Road East and West, which his comments we haven't gotten to yet also affect the Hirst West area. He thinks there is some (*inaudible*) between Hirst West and Hirst East, and of course, the East End. But also he thinks it generally applies to some of the Main Street discussions. He thinks we need to revisit that area and apply a proper sense of corridor based planning.

Mayor Fraser inquired who determined the boundaries of the corridor. When was that determination made? Hirst East Corridor, where does it start and where does it end? And who made that determination?

Council member Stinnette stated that he doesn't know that anybody deliberately made that determination. Your corridors generally follow your principle lines of communication. So, when you look at the East/West Corridors they jump out at you on Main Street and Hirst. Those are your principle or primary lines of communication, in terms of road traffic and so on and so forth. Your north/south would be something like maybe perhaps 690. It's probably the best way to characterize that line of communication, if you will, or line of transportation. So no, it's not a deliberate well defined, and one specific person. It's a term of reference. Mayor Fraser stated and it was arbitrary and capricious? Council member Stinnette stated that you could characterize it that way, sure. Mayor Fraser stated thanks.

Council member Ogelman stated that this discussion about spot zoning, this idea that it's (*inaudible*), the first thing he would mention is he actually spent a good deal of time speaking with Sally about this concept. He said that he is concerned about any kind of down zoning. We talked, and all of these ideas related exactly to the kinds of uses, a Land Use idea concept that had the kinds of uses that are in Agriculture/Forest/Commercial. At that time, we were not saying what it needs to be called, or what it is, but those uses. His sense coming out of that discussion was no, this logic makes sense and this looks like an up zoning, not a down zoning.

Council member Ogelman stated that the second thing that he is going to say here which he thinks is really important to him and at the same time kind of confusing, we are in a situation where there is a plot of land owned by a single owner. It could be subdivided in many ways he supposes. Right now, it is a single parcel of land. And it has not been included in any of the uses that are around it. It is a Transition X as a zoning category. It has Institutional/Public on one side. It has Mixed Use/Commercial on one side. Across the street it has a farm. He thinks there is a stream on that little corridor. Then there's Residential. In an area that use to be Residential. He stated no matter what you are doing with that, you're spot zoning. It is a parcel. The reality is that's what we are trying to deal with here.

Ms. Hankins stated that she would encourage us to worry less about spot zoning, because we aren't even zoning right now. We are planning. Council member Ogelman stated but that's what has been brought up. Ms. Hankins stated right. Council member Stinnette stated that he said "Spot Land Uses." Council member Ogelman stated there's a parcel we are talking about. Council member Stinnette stated and what we are designating is a very

specific and non-homogeneous Land Use for that parcel. Council member Ogelman stated so you are saying that the only things that we could really do with it are Institutional/Public or Mixed Use/Commercial.

Council member Stinnette stated that he doesn't want to get into a debate with him on this because he will lose. He stated that what he does want to tell you is his motivation is to inoculate us from any potential blowback. Give us the best argument, the best defense in a Court of law. That's what he is trying to do.

Council member Ogelman stated okay. That he does not want to down zone anything. That's why we were having those conversations.

Mayor Fraser inquired of Ms. Hankins, legally, have there been any Spot Land Use cases? He just saw this as an aspirational vision.

Ms. Hankins stated that she doesn't want to speak in absolutes. If she were that brave she would. There is very little chance of someone prevailing on a challenge to your plan, because no legal rights are altered by adoption of a plan no matter what the map says, and no matter how the planned Land Use has changed. The legal challenges that come up come up through zoning. Right now, you kind of have some freedom to make a mistake. The reason you might not want to is because you do have to, then adopt a Zoning Ordinance. The plan is suppose to guide your Zoning Ordinance. If you find when you get to the zoning stage that you regret a decision you made, you can change it. And you would take for that piece, or that area that you feel like you made a mistake on, you would take both the zoning and the plan, and you would amend the plan and the zoning for that area and take it back through the Planning Commission, and through the Council, and through this process again.

Council member Ogelman stated and through the public input. Ms. Hankins stated and through the public input that goes with these processes. Your legal challenges aren't going to come from adoption of a plan. She stated because this plan is meaningful, because it is suppose to inform our zoning, you spend your time more wisely if you can get the plan right the way you want it this time and not have to redo it again later.

Mayor Fraser stated got you. He inquired of Tip if that answers his concerns. It doesn't seem like folks are going to take us to Court for this aspirational plan. Ms. Hankins stated that she didn't say that they won't take you to Court. They shouldn't prevail. It is nonetheless a costly endeavor.

Council member Stinnette stated that he thinks we are taking a fairly blunt approach here and creating discord where it does not need to exist. He thinks there is a middle way where everybody wins, and we don't end up in a Court, because at the end of the day, if we do end up in a Court, the Town, the taxpayers, are paying the fees whether we prevail or not. We still have to pay the fees. That was his point about not having to.

Mayor Fraser stated that in a challenge there is always a winner and a loser. He knows it is not zero (*inaudible*) game. He is willing to air what this compromise is that will make everyone happy.

Council member Stinnette stated okay, let's talk about that then. Let's talk about it with respect to the East End. He stated that Patty has made a lot of remarks. Council will recall, that at one point we did come up with a designation of her property and the old (*inaudible*) property called "Rural Transition." What we did when we came up with Rural Transition is, we went through something similar to this and said, "Okay, forget the labels at the top." Let him go down on the uses. We picked all the uses that we were interested in. Then we said, "How can we come up with a label for that?" We came up with the label Rural Transition and that never really caught fire. Then we went back to its Agricultural. His point here would be if you want to use his capricious and arbitrary corridor argument, basically you would say that a fair portion of the Main Street Corridor is Commercially oriented. He is not going to venture a percentage. It would be fair to say that probably in excess of 50% of the Main Street Corridor has some kind of Commercial application to it.

Mayor Fraser inquired based on acreage. Council member Stinnette stated probably. Mayor Fraser stated that he would disagree with that because Item 4 is over 90 acres and that's Agriculture. Council member Stinnette stated that you are talking about his frontage not his total acres. Frontage to Main Street. Mayor Fraser stated that he is saying that because we said that is important. Council member Stinnette stated we got it. Let's go to Twigs and the Purcellville Cleaners and that whole shopping center there. He stated start there, then work your way east. And find him a frontage that doesn't have some kind of Commercial on it. Mayor Fraser stated we are talking about a different one. He thought we were talking about the circle. Council member Stinnette stated yes. And what he is trying to do is work from Twigs, the new Dollar Store, all the way to the east to the circle and beyond.

Mayor Fraser stated just for his clarification, you do not see that circle as a corridor. You see the circle as part of the Main Street Corridor. Council member Stinnette stated yes. Main Street goes through the circle. Council member Ogelman stated but only half of Main Street. He is saying Main Street goes west, the west side. Council member Stinnette stated yeah, he has it. Council member Ogelman stated that if you look at all of that, then he is not so sure. Council member Stinnette stated yes, we can debate that. He stated that he is trying to get you from the Dollar Store all the way through the circle, if you look at everything that comes to the front of Main Street, it has a Commercial orientation, or at least the majority of the frontage to Main Street from that point, to that point has a Commercial orientation.

Mayor Fraser stated that he sees the premise of his argument there. His definition of "corridors" is the Gateway is a corridor by itself. Anything west of there is not a corridor. But you can go with that argument. That's in his mind. He sees them separate.

Council member Stinnette stated forget the word "corridor." All he is really trying to say is along Main Street there is a lot of store fronts. Mayor Fraser stated that he agrees with that 100%. He agrees with that. Council member Stinnette stated great. He stated that if he takes that logic there, the argument that you are going to run into here is okay, I have a three acre lot on the far east end there and it's an odd duck. It's not Commercial. He stated any flavor of it, it is not Commercial. It's not Neighborhood Scale. It's not Commercial Median Scale. It's not Mixed Use Median Scale. It's not Mixed Use Neighborhood Scale. It has no Commercial orientation, other than we wedged in there this Agriculture/Commercial. We are dealing with the interpretations of what that means. It strikes him as kind of an odd duck when you look at it from that perspective. His point is capricious and unfounded. He is perfectly good with that argument.

Council member Stinnette stated all that being said, if you go back to his two red lines, his two red lines are he does not want to exacerbate the traffic that is on the Main Street Corridor. And he doesn't want to see Catoctin Corner grow to the east. Those are his personal red lines. He stated that Patty is probably not very happy with him because she wants us to extend Catoctin Corners to the east, at least the Land Use to the east.

Mayor Fraser inquired of Council member Stinnette how the folks that voted him in fall on that. What's your opinion? (There is a disagreement with Council member Grewe.) Council member Stinnette hasn't gone out and asked everybody what they want for the property for Land Use. He stated like most of us, he has spent the last nine years on this. He has gone through multiple listening sessions. He doesn't think that he has heard things that are a whole lot different than what you, Nedim, Chris, Ted, and Joel have heard. He is doing his best to try and represent what he thinks he heard. Council member Stinnette stated that where he is going with this is, if you look at Catoctin Corner, right now, today under the proposed plan we have it designated as Commercial Median Scale. He doesn't want Commercial Median Scale extended into the Kipfer property. He can easily tell you what he doesn't want. He doesn't want Commercial Median Scale. So, what does that leave us for options from a Commercial Use perspective? We got rid of Mixed Use Median Scale last night. That leaves us with Mixed Use Neighborhood Scale and Commercial Median Scale.

Council member Stinnette stated that on Page 78 of the Comprehensive Plan, the next to the last paragraph, what we did to comply with the Code of Virginia in that paragraph, was to put a place marker for places that you could

potentially consider affordable housing. He is not talking about they are going to get affordable housing. He stated that by doing that, that allowed us to comply with the spirit and the intent of the Code of the Commonwealth in terms of addressing at least initially the outline of a plan for affordable housing, which is a requirement. Yesterday we took off the plate pretty much Hirst East by designating it Business/Industrial. That's one of the four places on Page 78 that we kind of forecast as a potential place for affordable housing. He is now getting ready to eviscerate that from the East End as well, because the East End is designated there as well. He would say that what we could probably do here is a Mixed Use Neighborhood Scale. It gives you an element of Commercial, but not at the same density or form and fit of Catocin Corner. If we put Mixed Use Neighborhood Scale in there, if we put a housing complex in there, then yes, that would be a problem with the traffic. He stated to David's and Sally's point, we have the ability to constrain the traffic associated with that development by picking a base line and say, "We will not accept any development that exceeds by X percent that base line." There are ways to mitigate the traffic concern beyond just the blunt instrument of a Land Use designation. That is kind of what he is advocating. He is advocating that we go down the road of a Mixed Use Neighborhood Scale. Then we use a refine tool to mitigate the traffic. And that addresses his two red lines. If you look at the rest from the circle to Twigs and Purcellville Cleaners, if you look at that area there, there are a bunch of pink Land Uses in there. He guarantees you that nobody is going to like that idea. And probably everybody is going to hate that idea for a lot of reasons. At the end of the day, he is trying to find us another way where it is sort of a win-win for everybody. You can argue that you don't like Mixed Use Neighborhood Scale, you want Commercial Neighborhood Scale. He can go down that road there. The only reason he went with Mixed Use Neighborhood Scale is because he wants it to retain the option for some additional multi-family housing. If we are not careful, we are going to Land Use our way out of that option.

Council member Ogelman stated that to him the thread of continuity that was disrupted on the East End was that it was meant to be Rural Gateway to the Town. That was disrupted. We had input from the staff, guidance, and that's how we ended up with this parcel. Mayor Fraser stated just so he is clear, the circle. Council member Ogelman stated no, he is just talking about that one parcel. Council member Stinnette stated Patty's property. *(inaudible)* Council member Ogelman stated that's why it is so difficult to deal with because what else happened on that corner defied what people said at that time, and what people continue to say in his opinion. He wanted to do something with that that rectifies that. He doesn't want this to be the continuing facts on the ground that change what has been consistent in what he understands from what people have said in this Comprehensive Plan. He is ready to entertain some concepts that incorporate uses that add to what the uses are that are available there now, and they were available to it way before it was annexed. That needs to happen. The compromise that he is looking for, that is that needs to happen in the context of what our citizens are going to be consistent in saying what they want for that area. It needs to have this rural component and this Gateway component.

Council member Greenly stated that last night he spoke his piece about what he thought about that. He thinks last night he said "Commercial Median." That's a pretty nice compromise he would think. He doesn't have a big issue with the Commercial Median either.

Council member Grewe stated that he thinks he said his piece last night as well. He does acknowledge the challenge we have here in kind of curtailing that as it moves from the Commercial Median down to the IB. One of the things that he has gotten from community feedback is for people that grow up in this community, students that come to this community for college; they then have to leave because they can't afford to live here anymore. As housing prices have gone up, because the demand is always increasing and supply has been curtailed, they have fewer and fewer options that are somewhere between subsidized housing and a single-family home, or even a townhome. He stated that something in between there that we have very limited availability of. Frankly, we are taking some very bright and talented young people, young professionals, and young families, and saying "I'm sorry, you can't afford to live here. Go away." He likes having Tip's compromise of making sure we have some places in the plan where there is some viability for that. He has people that are medical professionals that are finishing their residency that live here in Town, that are barely affording frankly, what is already affordable housing options that can afford better than that. There is just nothing between that and a \$200,000.00 jump

upward. They are busting at the seams. They are like is there any other way to find a place that we can live as we grow and develop in this community? He thinks there is a place for incremental housing steps. If we can get some of that here that is beneficial to our community as it grows and maintains the diversity that it needs to be healthy. He said his peace last night. And he still would prefer that, but he will take this as a compromise. Mayor Fraser stated Mixed Use Neighborhood.

Council member Bledsoe stated that he gets Tips red lines on the traffic and sort of the suppression on the continued heavy Commercial for Catoctin Corner. You are talking about Mixed Use Neighborhood Scale for that parcel adjacent to the Mixed Use/Commercial for the other. How does that fit within Corridor based zoning, or is that an exception to that? They are both Commercial. As Patty pointed out in her comments, they have an interparcel connection with that. He thinks they can go a long way to mitigate traffic. He has less of a concern about the spread of Catoctin Corner because we are talking about 400 feet or so of road front that the people come into Town at speed, and they are going to take three seconds to pass it. He doesn't see a lot of concern about that. And then the natural barrier of the creek and so forth after that, plus the Town limits and the I/B use.

Council member Bledsoe inquired how does that corridor base zoning fit within the two different Commercial Uses. Council member Stinnette stated lets eviscerate the word "Zoning," Land Use. Let's also eviscerate the idea of "Corridor," and let's just talk about form, and fit, and scale, and look. He thinks that you would find that his proposal is fairly (*inaudible*) in terms of form, fit, and scale. It would be consistent with the surrounding areas. The other thing that he does know, it begins to set the conditions for the zoning. And he thinks in total it is measurably more defensible from a logic perspective if we were to take into task eventually from a zoning perspective and it were mapped all the way back to the Comprehensive Plan. He finished his last remarks with he is pretty confident that no one is going to like his idea, and it is not a perfect idea. There are a lot of rocks that you can throw at it. It is a more nuanced idea, he thinks. He wants to offer this counterpoint, Kwasi's idea of re-characterizing the whole idea of Agriculture/Commercial, lock, stock, and barrel, is another way to approach this. We basically eviscerate the ties to Crooked Run Orchard and come up with a white sheet, zero base, new Land Use for the community. We could do that. That might be the right thing to do. We are not going to be able to do that in time for meeting our March deadline. If we want to bust that deadline, fine, we can bust it. He stated with Jimmy's point, he doesn't want us to be captive to this idea of an artificial timeline where we have to do something ugly because we all perceive we have a nine millimeter held to our brains. That is an ideal, viable alternative as well. What he is trying to do is to give us something that kind of fits within the construct. He knows the Planning Commission will probably want to hang him by a yard arm if they are listening in on this because he is kind of holding up a lot of thinking and a lot of work that they put into this. He is hesitant to do that. That's why his idea is a bad idea for a whole lot of reasons, but it's a measured compromise to try to spread the needle for everybody.

Council member Greenly stated he was asking if it was permissible for Miss Patty to make a couple comments on that. We will probably be speaking to you after this anyway. Mayor Fraser stated not yet because he needs to make a comment.

Mayor Fraser stated that he is looking at this going back to a corridor where people enter the Town of Purcellville. It's a gateway. Many times he talks about the seal behind him with the bushel of wheat, the library, and the key. Purcellville is a welcoming community, continuous learning, and then our agricultural heritage. He saw this gateway as where that seal is realized. As he looked out there, overwhelming development of Commercial, he sees an encroachment on the last passion of Agriculture. In that perspective, looking at it as that being an entranceway to Purcellville, he continues to see the need to not further encroach, or further diminish all of the remaining agriculture that we have. That's why he is pushing for that. That's one.

Mayor Fraser stated number two; this circle is becoming inundated with traffic. He keeps hearing complaints every day. Going down the hill to Hamilton and coming up the hill, treacherous. Again, this is his opinion, he is only one vote, and he doesn't want us to put potential uses that would increase traffic flow from the perspective of

health, safety, and welfare of our citizens. He knows welfare is quite broad. He stated but just from the perspective of health and safety.

Mayor Fraser stated as such, what he was proposing yesterday with this Agriculture/Commercial, he doesn't understand why it would take us more time. Again, that is just an aspirational view, just as the Mixed Use Neighborhood. He stated because we already have all of the current uses in Agriculture/Commercial, but when we get to zoning, we can then refine those uses. You all mentioned 30%, and the inability for us to collect taxes. When we get to that decision point on zoning, we can move that to the right or left, preferably to the right. Instead of 30%, make it like 60%. So, we can leave here tonight with that aspiration of Agriculture/Commercial. You have this list of zones that you want to use, and then we can have that conversation when we come to zoning. That's his view on it. So, Tip he understands your point and he respects it. But his view is still the same. He is looking at this as a Gateway Corridor. He believes that A/C is best allocated there. Comments, and then we can move forward and vote.

Council member Ogelman stated that this does not feel like a compromise to him. At that point, he thinks we kind of walked away from (*inaudible*). If we really wanted to talk about and come up with solutions for affordable housing, he doesn't subscribe to the idea (*inaudible*). You have to do something else. Also, he doesn't subscribe to the notion, which he thinks to him is the natural outcome of where Council member Grewe was going with that, that just figuring out ways to make housing cheaper and cheaper, if it's not just subsidized. Also, allows those people to share the same quality of life that all of us deserve. If we are really going to talk about affordable housing in our community, we need to talk about how we make that housing affordable and give people the same quality of life the rest of us all enjoy. Otherwise, what he sees that as is just a foil to say let's get some more development in. If he thought that getting more development in here was going to be some kind of a (*inaudible*) financially, infrastructurally, in any of those ways, he would support that. But all he sees that as really is a subsidy to developments. A subsidy from the citizens of the Town to the people they create. They don't pay the actual amounts of what's it going to cost to accommodate what they've done. If we are talking about affordable housing, let's be sincere (*inaudible*). He is back to where he was before. He likes what we were talking about. He thinks we can create a use. He spoke in detail with Sally about that concept. He has spoken with the Planning Commissioners about it. (*inaudible*) as a representative, in addition to the data that he got from citizens, as the track of where our citizens are going. He stated you think moving from that at this point drastically, it feels to him like we are seven people up here sticking our thumb in the air and (*inaudible*) something to do.

Mayor Fraser stated with that said, let's vote. Ms. Kipfer stated that she thinks she understands that Mixed Use Neighborhood Scale is no longer being considered, and now we are back to AG/Commercial. Is that correct?

Mayor Fraser stated no, no. He was just giving his view. He believes that Corridor, like we discussed yesterday, should be Agriculture/Commercial. But the majority of this Council from what he is hearing is moving in the direction of the Mixed Use Neighborhood for your property.

Ms. Kipfer stated that you have kind of caught me off guard a little bit because she wasn't even considering Mixed Use Neighborhood Scale because she is not surrounded by any neighborhood. She is the odd piece of land. She is at the end of a Commercial Corridor that's adjacent to an already Commercial Development. It would stand to reason that she would be a continuation of that property for good Land Use purposes. The fact that you guys want to throw her into a Mixed Use Neighborhood category still doesn't make sense to her. She is not really quite convinced that that is where that Land Use should lie. She's not sure that she even knows what she could do with it. She hasn't had an opportunity to read what any of the uses are. She knows that you want to go to some sort of vote tonight, but if she could at least have an opportunity to take a look to see how it would impact her, she thinks that is a reasonable request. Ms. Kipfer stated that she has to be honest with you; AG/Commercial just does not fit for her. It just does not fit. Granted, she understands that this Comprehensive Plan is a guideline. It's a guideline, but at every meeting that she attended at the Planning Commission, it was made clear that this Comprehensive Plan was not going to sit on a shelf. It was going to be used. And in order for it to be used, the zoning was going

to follow the Land Use. So, once you put that Land Use in motion, that zoning is going to follow. And she thinks you are going to have some serious problems with that. That's just her opinion.

Council member Bledsoe stated that he would just point out that on Page 41, it talks about the typical uses for a Mixed Use Neighborhood Scale. It's not neighborhood in terms of reference of necessarily Residential. It's more in terms of the scale and appearance of the buildings that make up that Land Use. So, it's small buildings, individual businesses in the buildings, things like that, as opposed to large, multi-use storefronts.

Ms. Kipfer read the definition from page 41. She questioned "Are you going to change that definition to reflect her property, or does that stay?" She is not sure where she fits in this. She really feels that she fits in Commercial Use. She is two acres. The most she could probably put on that property is two or three site pallets. It will never reach the proportions of Catocin Corner, but it will certainly fill out the Commercial Corridor development. And it will be done. It's on the north side. There's no *(inaudible)* on the north side. It's all Commercial. She just can't be any clearer. You guys want one thing and she wants something else. There's got to be some reasonable compromise here.

Mayor Fraser inquired of Ms. Kipfer what about IP. Ms. Kipfer stated that she thinks she can't be considered for IP for some sort of reason. She thinks it is because her property faces Colonial and is not on 287. She is pretty sure that's the reason. Mayor Fraser stated so if that was not a reason, would you consider IP? Ms. Kipfer stated that IP devalues her property probably more so than Ag. It takes her down even further. She stated that Patrick Henry has 104 acres of prime property in Town. They pay less than \$2,000.00 a year in taxes. That does not help anyone. IP does not help anyone.

Ms. Hankins inquired can we read through the Neighborhood Scale Mixed Use bullet points? Council member Stinnette stated here is the essence of it. "The development type accommodates vertically and horizontally Mixed Uses, including Commercial, Retail, Office, Institutional, Civic Services and Multi-Family Residential." That is the optimum bullet on Page 41.

Council member Ogelman stated that since we are talking through this, it sounds as spot Land Use as anything else that we've talked about, and its increasing the intensities exactly for one of your red lines. He agrees with that red line. He thinks it makes sense for our police powers that we should think about it. If, at that point, we are going to pursue the strategy that the Town Manager and the Town Attorney were describing, we need to not do that in a spot way either. We need to talk about that throughout the Town. That's not just the philosophy that this Comprehensive Planning process has gone at any point. He is trying to point out what he sees as logical issues in what we are talking about. He is getting to the point now, that if we did make a decision tonight, he doesn't think he even comprehended all the holes that we are confronting, including just the departure between us and the Planning Commission.

Council member Stinnette stated that he threw that out there as an option. No one is biting on that option. So he goes back to what has the Planning Commission told us for the last five years. What we talked about last night, all of that is going in one direction. Now, he is getting ready to blow it up with his crazy ideas. He thinks it is an important conversation to have. He appreciates your patience in allowing him to bring this up to the Board, because he thinks it is part of our due diligence to have this discussion.

Council member Ogelman stated to him, the impasse on this issue has to do with the circumstance.

Mayor Fraser stated that's why he says, "Folks put us in here. They vote for us. They have an opportunity every two years to tell us well, bye, do something else." The Planning Commission, we appointed those individuals. They came up with this plan for over five years, different Planning Commissions, and they presented us with a plan, based on their best judgment, and their opinions, and their views. He stated for us now to sit here and think

about taking this through another cycle, he thinks it will be a disservice to those folks that voted us in. That's why he is ready to vote tonight.

Mr. Mekarski stated that he is just going to throw one other point that we have to consider. This is one of those times when you sort of have to outline the good, the bad, and the ugly. One of the things that makes us unique, and he doesn't have the answer to this. He is not sure if Sally does because it is really a legal question. This is still Transition X. We had certain obligations about the treatment of a Transition X property under a State Statute in a timely manner. The allowable uses under Transition X are very limited. So, any kind of proposal that comes to Patty's doorstep, more than likely would have to come in for a rezoning. Even before we start a Comprehensive Rezoning process, this plan is going to be looked at by the Planning Commission. In fact, they had to by law. They can only recommend a request for rezoning consistent with the Comprehensive Plan. That was set forth in Ambler Realty vs. Euclid in 1926 by the Supreme Court. He will turn it over to Sally. He thinks it adds a little additional burden and responsibility of really trying to get it right in terms of what category is really consistent and compatible.

Council member Ogelman stated that somehow makes it sound to him like we're not having that burden of responsibility with everything that we are doing here. We are taking this seriously. He doesn't understand that comment. Mr. Mekarski stated that other properties have a full array of uses by right that are defined in the existing Zoning Ordinance. This Transition X is a transitional zone. It is very limited. Council member Ogelman stated that he doesn't believe that we put it into Transitional X. Are you saying that we needed to have acted on it earlier?

Ms. Hankins stated that she doesn't think that we are necessarily in a special circumstance in terms of planning. A Transition X zone is intended to be interim until we get to the place where either the landowner initiates rezoning or the Town does. That hasn't happened. It has been a long time. But there are rights available under Transition X that are at least as great as the rights that existed in the County prior to the annexation. The important thing though is that we do have a Planned Land Use. She stated when a Zoning Application comes in, what we don't want to have is no plan for it. That leaves it too wide open. She would just encourage you to keep moving forward. This parcel is tricky. The likelihood of litigation probably goes along in this order along the spectrum. If you make it red, Commercial, a continuation of Catoctin Corner very low likelihood of litigation, defensible. If you treat it as a transition piece because it is between red and blue, and even low density Residential, that's a fair treatment of the parcel. Something less than red and something more than low density Residential can be defended. It increases your likelihood of a dispute. Commercial Neighborhood Scale is less than red. It is more than the low density Residential, and it probably, if she were guessing, it minimizes the chance of a dispute going forward because there are some real uses there that can be had.

Ms. Hankins stated in the next category down which would be the Agricultural/Commercial; we could put that in as a placeholder because it can be seen as a transitional Land Use between the intense Commercial and the low density Residential on the other side. And we can then revamp what that District allows and what it does down the road. She stated keeping in mind that it needs to be something feasible for that 2.5 useable acres. She thinks it is a difficult piece because it can be a continuation of the red. It can be a continuation of the stuff to the east. It can be its own thing. Just as long as it can be something that is economically viable.

Council member Ogelman stated that this to him sounds like the conversation that he had with her in discussing those things. Ms. Hankins stated right. Council member Ogelman stated those are the factors that he was thinking of in this process. Ms. Hankins stated right. You can defend all of them. The ones that you are more likely to have to defend are the ones that are farther down to the right on the scale. The ones that you are least likely to have to defend are the ones up to the left on the scale. No one could predict where we are going to fall on that.

Council member Ogelman stated that he agrees with that. The lesson out of that is that we just need to put Land Uses for everything that are the most intense, because those are the ones that the property-owner are the ones that

are least likely to cause it. This goes back to what he thinks Council member Bledsoe said yesterday. Compared to that hypothetical set of uses up in the sky, everything is down zoned.

Ms. Hankins stated that what she would encourage then is if you go toward this Agricultural/Commercial, there should be language in the plan, which she doesn't think is there now, but she could be wrong, that talks about a little bit more of a vision for what that is. Why the gateway. What the rural history is. Why the gateway being tied to those rural characteristics is important. She would use the word "Transition." She would make sure that we are demonstrating how this piece functions in the area that it is located. And why it functions in this way and not in that way.

Council member Ogelman stated that he believes that language is in the Staff Report related to the Catoctin Corner vote earlier, and in previous Comprehensive Plans. We can just pull the thread of continuity for that exact side of Town.

Mayor Fraser thanked Sally and David for their feedback. He stated before us, we have two options, Mixed Neighborhood Scale and Agriculture/Commercial. He just threw in the IP. He knows there won't be any takers on that. He would like us to go forward with a vote so we can move on. It seems like we are following the process. First it was public input. We debated the number of dots that went to the Planning Commission and now is before us to make a decision. He thinks we need to make a decision.

Council member Ogelman stated that we have a Council member that is not here. But yeah, if that's what you all want to do. Mayor Fraser stated any concerns with going forward and making a decision on this.

Council member Stinnette stated the decision is basically an up/down vote. It would be useful to kind of clarify it. He thinks what we agreed to last night to kind of make sure we came to a conclusion this night was, we agreed that Area 2 and Area 3 were going to be characterized as Agricultural/Tourism/Commercial. That's what four people agreed to. Mayor Fraser stated correct. Council member Stinnette stated that he thinks we can get more than four people to agree to that if we also agree to the fact that the Zoning Ordinance as it is currently designed for Agricultural/Tourism/Commercial probably doesn't comport with our intent. That's going to have to be addressed at the appropriate time.

Council member Ogelman stated that he agrees with that. Council member Stinnette stated and that we probably need to go through the plan where it addresses the Land Use Agricultural/Commercial and Tourism/Commercial, and make sure that that language doesn't lock us into anything in the legacy Zoning Ordinance that we don't want to be locked into. In other words, at this point we are basically agreeing to a bumper sticker, and then to do the due diligence in what goes behind that bumper sticker. Council member Ogelman stated that he thinks it is very important that that bumper sticker include this language about a transition and the gateway in it.

Council member Stinnette stated the problem with that is you can do that on Page 70. You cannot do it in the Land Use definition because we use Agricultural in other places. Council member Ogelman stated okay. Council member Stinnette stated but you can certainly use the transition language for Area 2 on Page 70 in the Comprehensive Plan. Council member Ogelman stated that he believes that should be consistent with other boundaries of our Town as well.

Council member Stinnette stated yes. He stated for instance, the community input said, "The southwest and southeast quadrants are mainly Agriculture provide a transition to the adjacent rural County areas consistent with community input." That language already exists. What he is trying to do is get more than four. He thinks we have a majority that says, "Okay. That's the bumper sticker." He thinks we also have probably pretty close to a consensus that the Ordinance as it exists today needs to be reworked to support the bumper sticker. And what he needs staff to do is to look at the language that currently exists in the Comprehensive Plan with respect to Agricultural, and make sure that it is not bounding us to the current zoning. It gives us the flexibility to redevelop

the Zoning Ordinance with respect to Agricultural/Tourism/Commercial to be more holistic rather than specific to Crooked Run Orchard. Ms. Hankins stated that the Ag description that we have right now in the current Draft Plan is at Page 46. We would review this language and talk about the vision for AG/Commercial that may be intensified a little bit to talk about how we actually envision it to be something that is, in fact, Commercial in nature, and that it is not intended to be a reflection of what is written in the Zoning Ordinance as of the date. She wouldn't write that in there. She is thinking out loud. Council member Stinnette stated that there is less and less association with farm. Ms. Hankins stated yes. Council member Stinnette stated because it is a Land Use, and where we are putting it in the community is not necessarily associated with farms. You need to pay attention to what we have.

Ms. Hankins inquired is it boiling down to the two properties on the East End. Council member Stinnette stated we have to get to Hirst. He thinks we are going to be able to resolve Hirst pretty quickly. Ms. Hankins stated because if it is, she can talk about gateway here, and she can talk about ties to our historical rural past and that. Council member Stinnette stated yes, do that. The only other section he would ask her to take a look at is once you have done that definition, then please go to Page 70, and look at Areas 2, 3, and 4, and make sure that the language in there is consistent with whatever new language you come up with. Ms. Hankins stated okay, thank you.

Mayor Fraser stated that he has just one question. This Agricultural Zoning, if we had an inn in the Agricultural Zoning with 50 beds, was the intent that since it is in an Agricultural Zone, was there tax incentive? Would that inn just be considered as a hotel where we can get occupancy taxes and so on? Ms. Hankins stated that she doesn't think that we contemplated tax incentives. It was simply a use that was available. Mayor Fraser stated that a comment was made that if it is in Agricultural, the Town cannot get any tax incentives. Ms. Hankins stated they are confusing terminology. There is an Agricultural Land Use Tax District that you can get inside Loudoun County. It doesn't exist in the Town. They assess your land value at Agricultural prices as opposed to Commercial prices, even if you are zoned Commercial. Mayor Fraser stated that does not apply here. Ms. Hankins stated no, that doesn't apply within the Town boundaries. Mayor Fraser stated thank you. We're good.

Council member Stinnette stated that the reason he wanted to clarify was because his intent was to get more than a split vote tonight because we have an even number. That's why he enumerated what the fine print is. Council member Ogelman stated question with procedure here. Everything that we have done up to now, have been strong holds. Is this another stronghold?

Council member Stinnette stated it's not a Motion. It's a stronghold. The Motion will come when we actually do the variance. Council member Ogelman stated that he didn't know for the purposes of the 90 day ticker. Ms. Hankins stated but it matters because you don't want the vote at the very end to fail to get four people.

Council member Stinnette stated so where do we as individuals on the Town Council fall on the idea of bumper sticker Agricultural/Tourism/Commercial, with the understanding that we need to relook at the Zoning Ordinance at the appropriate time, and make the language that is associated with the Land Use in the current Comp Plan less farm centric and a little bit more Commercial centric. That to him is the item that is before all of us tonight. Council member Stinnette stated that he is for that concept.

Council member Grewe stated Tip, you know that phrase about standing in the middle of the street and the bus is going both ways. Council member Grewe stated sorry. He hates to do this, but until he gets a little firmer grasp of what that looks like, he is not sure that he can go with that. He is sorry. He likes the idea. He just doesn't trust the *(inaudible)*. Council member Stinnette stated sure.

Council member Greenly stated that he put a star there. He likes the idea. He wrote down just exactly what you said. He thinks it is going to come out. At this point, he is going to stick with his decision from last night. He does like where you are going.

Council member Bledsoe stated the key question for him, Tip, is what you are talking about in terms of redefining what Agricultural/Tourism/Commercial means. Is that somehow within the context of what we are designating on the Land Use. Council member Stinnette stated yes. Council member Bledsoe inquired for all the East End parcels in 2 and 3. Council member Stinnette stated yes. It would apply to both 2 and 3. Council member Bledsoe stated no, he can't get behind it.

Council member Ogelman stated that he is where he was yesterday. Mayor Fraser stated that he is where he was yesterday. We do not have majority. It seems that we have three where we were yesterday with some modification. There is one that needs more information to make a decision.

Council member Grewe stated that he is sorry he wasn't clear. Until he has the information he is sticking with a no.

Ms. Hankins stated that it sounds like we have two or three people who, if we could flush out the uses a little bit more, and to get some idea of what the intensity level is. She stated that she could come up with something by tomorrow night and leave it to Council for discussion.

Council member Greenly stated that his worry is if you give us like a 60%, 70% solution that would help. His worry is without taking a look at it, if there is something that we are not thinking about jumps up, that's his big concern at this point.

Council member Ogelman stated on the other side, he is in support of the concept, but depending on how that concept evolves. Ms. Hankins stated that's right. It could be too Commercial for you and not Commercial enough for you. We just have to find out how to thread that. Council Ogelman stated that what is important to him is that transition language, transition spirit. He is not so sure that Agriculture by itself, under the second bullet here is Rural Land Uses and Agricultural (*inaudible*) are encouraged. Ms. Hankins stated that could even be like a Southern States because that's an Agricultural support business. Council member Ogelman stated exactly. And it could just be Residential too.

Mayor Fraser stated to leave that to Sally Hankins. Ms. Hankins stated that she will come up with something. Unfortunately, tomorrow she won't be here. She will work with everyone here and it will be in capable hands. Mayor Fraser stated thank you.

Mr. Conlon stated that it might help us to get to this new District if we go to the white column. If we could just go through those item by item and say yes or no that's something we want included in this category, or that is not something we want included.

Ms. Hankins stated that she understands that it is less about the use and more about scale, intensity, and fit. She likes that idea because it would give her something to work with and there aren't very many of them here. If you could tell her something in Town that we are familiar with, like the Wine Kitchen, that would be okay, right? Council member Ogelman stated but the setting that building is in now is Commercial. Ms. Hankins stated but if we took the Wine Kitchen building and put it on Patty Kipfer's property, that's an okay use there, right? Council member Bledsoe stated except it was a restaurant. Council member Ogelman stated that a restaurant can already be. Mayor Fraser stated 8,000 square foot. Ms. Hankins stated that we are also okay with Bed and Breakfast. Mayor Fraser stated an inn, a cottage, all of those things. Council member Ogelman stated in the current one, an assisted living facility of one to eight residents. Council member Stinnette stated that there is a document that Sally can go look at. Look at the document that was put together for World Transition. Look at the elements that fed that concept. You will probably find some language you can borrow.

Mr. Sullivan stated as a point of clarification, on the assisted living, any assisted type living or adult care up to eight people is considered a single-family home. Council member Ogelman inquired why is it in there as a separate category. Mr. Sullivan stated because it has to be a use. Council member Ogelman stated you are saying that it is a use that is ubiquitously available to a single-family residential home, but you put it in as a separate category. Could it not be a different kind of facility than a single-family home as long as it has one to eight people? Mr. Sullivan stated that we have quite a few of them spread throughout the Town. Ms. Hankins stated that Patrick is saying that you can't disallow that use in a single-family neighborhood. This is a little bit different.

Council member Stinnette stated if you look at the language we had on World Transition it addresses this as well. Mayor Fraser stated we are good then. Council member Stinnette inquired do you want to talk about the Chapman property. He thinks we should clear that up. Mayor Fraser stated let's refrain from naming these properties. Let's just call them by areas. Mr. Casey Chapman stated that it is owned by one entity so it would be appropriate to call it by the entity that owns it. Mayor Fraser stated that he just wants to separate that out from the owners, Area 5.

Council member Stinnette stated that we teed this one up as Agriculture. If you go with the logic that we use with the property adjacent to or across the street from the fire station which is Business/Institutional, that's east of Area 5. Then you go to the west of Area 5, you have Business/Institutional there. You could make a jump to Business/Institutional there, make it entirely. He further stated that first Corridor is entirely consistent from a Land Use perspective. Mayor Fraser questioned the recommendation is to move 5 to what? Council member Stinnette stated that last night we made the preliminary decision to make 5 Agricultural/Tourism/Commercial. Council member Stinnette stated he is teeing it up alternatively to make it Business/Industrial.

Council member Ogelman stated that he said last night was he was prepared to leave it what it is. That is the input we got from citizens in the whole Dominion Valley neighborhood. They heard all these different alternatives. Just leave it office. They are concerned about traffic, noise, and activity going into the late hours. Mayor Fraser stated so leave it what it currently is.

Council member Stinnette stated that he has the chart right here. The Comprehensive Plan that we currently have right now, Comp Plan 2025, he believes there is a little bit of colorization here. Its Professional Office is what it is right now. That is not a Land Use in the new Comp Plan. We could put that Land Use into the new Comp Plan. He thinks that is what you were abdicating last night.

Council member Ogelman stated basically just leaving it what it is because that's the input he heard from the most proximate citizens. Council member Stinnette stated that you can get Professional Office into the Business/Industrial. Council member Ogelman stated that he thinks the concern was the flexibility. They were worried about impacts, mitigating impacts.

Council member Stinnette stated about hearing from Mr. Chapman regarding leaving the Land Use as it is right now, which is Professional Office rather than Agricultural/Commercial. Mr. Casey Chapman stated that he agrees that Professional Office as a Land Use would be more consistent with some of the Land Uses along the Hirst Road Corridor. The Industrial concept over near Bailey Lane and Browning Court would not be the greatest use of the land. Even on the Agricultural use, when you think about how high a silo can be built, or what type of things can go in an Agricultural use, it really limits the property, especially in the definitions of what is laid out here where you have the maximum height of 35 square feet. The big one that stands out is the maximum coverage area is only 30%. It's a five-acre lot. That leaves you with 1.5 acres to develop. He stated that he thinks what you can do on 1.5 acres, you are actually underutilizing the property for the tax base to help out the Town grow that tax base without annexing the property. This is one of the last remaining parcels out on Hirst Road. He stated doing that he thinks would be detrimental. He gets the Land Use designation of Agricultural and being able to tweak it in the future. He does not think it is consistent with what has been proposed.

Mr. Chapman stated just so you know, in our 45,000 square foot medical building located on the corner of Hirst and Hatcher Avenue, we are at 92% occupancy right now. That is about to be reduced. We have one main tenant that is going to reduce its footprint by about 9,000 square feet. He can show you the demand for professional offices within the Town limits. It's not that high. If you want a product, an idea, a person, or an investor, or a business to come into Town, you need to give that land a little bit more flexibility than just an office. He stated by the definition of Mixed Use Neighborhood Scale, he feels that may accomplish one of your concerns earlier, when you said multi-family, or getting people in the door at a lower income housing and creating housing over low to mid-level commercial, or retail, or whatever space, or a Commercial Neighborhood Scale. All those are ideas that have more than just an office building. He is not really partial to either. He is just trying to throw out some ideas here of what you could do in that area as a designation to base your future plan on that zoning can come behind and then designate the uses to that more aptly fits the Hirst Road stretch.

Council member Grewe stated that you mentioned if he heard your comments correctly, one of the things that you threw out there was the Commercial Neighborhood Scale. Could you elaborate on your thoughts on that designation? He believes that was the original proposal in the Planning Commission's document was that we go to Commercial Neighborhood Scale.

Mr. Chapman stated that the Commercial Neighborhood Scale, from what he gathers from the description of it, the planning designation, it limits the height of the building so therefore, the idea of getting that hotel or what not on the property kind of goes away. He is not saying that it is, or isn't, or it does, or does not exist. He is saying we have had people approach us. If you go with the Neighborhood Scale from the description, it is reducing the height of the building. They want more buildings to neighborhood size. He doesn't agree that they are close enough to a neighborhood to be considered in that category. He was just trying to find one of the uses that are on this list here that maybe better represents what could be done with the property.

Mr. Walter represents Area 3 on the East End. He just wanted to say that he agrees with Patty and Tip to some degree. He thinks that Mixed Use Neighborhood Scale makes sense there. We've talked for a long time about doing a lodging facility, senior housing. It will be uses that people want. He thinks that it would help support the tax base. Ms. Kipfer stated that she would like to concur. She agrees to Mixed Use Neighborhood Scale. She thinks that is a good compromise. Council member Ogelman inquired what is it zoned currently. Mr. Walter stated it is zoned X. Council member Ogelman stated but pretty much anything that we are talking about would be an up zoning from Transition X, or from Rural Agricultural, or what it was in the County as well. Mr. Walter stated *(inaudible)*.

Mayor Fraser stated so, with that said, are you folks ready to make a decision based on what you heard from the property owners.

Council member Grewe stated that he just wanted to ask a question for clarification to make sure he understood what they said. He inquired both you and Patty, you are both in agreement that you would be interested in the designation of Mixed Use Neighborhood Scale for 2 and 3. Is that correct? Ms. Kipfer stated yes. Mr. Walter said yes. Council member Grewe stated and you would find that acceptable as far as what you need, and *(inaudible)* aside, you would find that feasible with what you are looking at to accomplish. Mr. Walter stated the ability to design something nice that is consistent with flexibility. Ms. Kipfer stated *(inaudible)*.

Mayor Fraser stated AG/Commercial with 50 beds, that's an inn. How does that devalue the property? Ms. Kipfer stated because you can't sell Agricultural. She has had people knocking on her door and the minute they hear AG they won't be interested. Mr. Walter stated *(inaudible)*. Mayor Fraser stated that he doesn't agree because aspirationally, it's just a name and the use is what sells it. Ms. Kipfer stated that it is just a name to you. She stated to someone that is trying to sell the property, it's everything. Mayor Fraser stated understood. He stated with that said, where do we go? We made a decision for Sally to go back and come before us with Agriculture with some modification. He inquired do we still move with that decision, or would you like to move somewhere else?

Council member Ogelman stated that he is ready. Council member Stinnette stated that we did not have a consensus. We asked Sally to give us a little bit more information. He thinks that we are still asking Sally to give us a little bit more information. The good news is she can give us more information. We now know that the

interests associated with Area 2 and 3 are in alignment on a position. We can use that in our discussion tomorrow night with your new definition of Agricultural/Tourism/Commercial. In Area 5, and he can say that Nedim brings up a good point which he can characterize as do no harm. By ridding of a Land Use, we got one box less. We can repurpose that box for Professional Office, and we can snap this back to what it is right now. He stated let the LOMAR play out. If we need to revisit this in the Comprehensive Plan and in the Zoning Ordinance, we can do that through the amendment process.

Mayor Fraser stated that is Tip's view. Council member Greenly stated that he agreed. Ms. Hankins stated that she would like to chime in a little bit. She stated this would be a map change to Professional Office, and then the text of the current plan for Professional Office would also get added. Council member Stinnette stated yes. We would just literally rip it off word for word from the current Comprehensive Plan. Council member Ogelman stated which we have done with other parts in about 80% of the Town anyway.

Ms. Hankins stated right. Council member Ogelman stated there is a precedent for that. Council member Stinnette stated that we have time to make the language. Ms. Hankins stated yes and no. The ad does have to explain what you can do with your property. Council member Stinnette stated sure, but the language is available right now. It is already drafted. Ms. Hankins stated right. She inquired this would be the only piece on Hirst that is Professional Office and everything else would be Industrial/Business. Council member Stinnette stated right. Ms. Hankins stated now that we are creating a Professional Office category is that still the case.

Council member Bledsoe stated other than 205 Hirst. He stated that 205 is a Professional Office Class 8 space. It's in the NOVA Medical Building. Casey mentioned it. Mr. Mekarski stated that you had that on the map as Industrial/ Business. Council member Bledsoe stated that he has an issue with Industrial/Business as well.

Ms. Hankins inquired are we putting any other piece into Professional Office or just this one. Council member Stinnette stated just this one.

Mr. Mekarski inquired do you really want Industrial/Business where the medical building is right now? Do you really want heavy industrial uses going into that corner, because you have the building in a purple designation. Council member Bledsoe stated as the senior Mr. Chapman use to tell us he could put a cement plant on that corner.

Council member Stinnette stated that he is going to go right back to where you started us this evening. He is looking at swaths of land rather than lots of land. Mr. Mekarski stated that he agrees. Council member Stinnette stated that whole purple thing there is conceptual, and the way you constrain it is through the Zoning Ordinance. Mr. Mekarski stated correct. Council member Stinnette stated that he doesn't think we need to go back and change up each of these focus areas. He thinks we need to address Area 5. He stated Area 5; we all agree is problematic because it has a pending LOMAR. You've got an energized community on Skyline that is concerned about the impacts of that LOMAR and floodplain to them. We don't really have a great idea of how we want to do this. He stated under the guise of do no harm, we just say this is the one exception and you can asterisk and we can say we can explain this exception. This is something that we are just bounding in from the legacy plan until we can figure this one out.

Mayor Fraser inquired of Council member Grewe how he feels about that. Council member Grewe stated that he insists that we keep it as the Professional Office versus the Ag. Mayor Fraser inquired whether or not anyone was against that. There was no response. Mayor Fraser stated so be it.

Mayor Fraser inquired Item 1, 2, 3, and 4. Do we leave it as we decided yesterday? Council member Stinnette stated so 3 and 4 we both agreed to make Business/Industrial. Council member Ogelman stated (*inaudible*).

Council member Stinnette stated now we want to go back to Browning. He stated that he doesn't know that he characterized the issue on Page 67. He thinks he characterized the issue associated with Area 3 correctly. They even tried to rescue him or Patrick on Area 5. That's the area that Browning uses for storage. He stated they have tractors there. Essentially, what the Planning Commission said was, "Well, okay. Got it." It looks like Single-Family Attached is what we designated for that area from 9th Street. We changed that to Single-Family Attached. It was Commercial Median Scale. Basically, that storage area is non-conforming and they can't do anything with it except keep it the way it is. If they want to build anything there, we basically said all you can build is a Single-Family Attached. The reason the Planning Commission did that is you have Single-Family Detached just due to the west and then you have to the east the Single-Family Attached there. He continued we were trying to make that a consistent band, but he does understand Browning's point. We are basically taking that property and saying, "Okay, guess what. You are going to be non-conforming when we are done."

Council member Stinnette stated that Browning did come here. We had an issue with the properties to the north side of that road there. That was fixed and at the same time, Browning came in and said basically, "... you are basically doing a taking because right now I could put Commercial interests there, and in the future I can't."

Council member Stinnette stated that's their issue.

Mayor Fraser stated and the Planning Commission's position was to the west you have Residential and to the east you have Residential. Council member Stinnette stated yes. Mayor Fraser stated and Commercial is in the middle. Council member Stinnette stated yes. We basically said, "...The Land Use will be less than what you have. That's true. We could kind of make an exception with the Zoning Ordinance, so you basically have a Zoning Ordinance that kind of speaks to that specific area." It gives them a little bit more capability than a Single-Family Attached. But at the end of the day, the same point for Browning is you are taking something away from me.

Mayor Fraser stated understood. He inquired what the input from the community was. Council member Stinnette stated there is not a lot of input from the community. He stated he runs by that frequently, using the word, "Corridor," it's an anomaly. It's an inconsistency. There's the interest of the homeowners and then there is the Commercial interest which are not necessarily in harmony. None of those homeowners said they got tired of looking at tractors. He stated and in Area 5, in Browning's defense, they are long-standing members of the community. He is a little loath to do that to them. But you would then basically, extend the pink which is Commercial Neighborhood Scale into that area, which is less than it is right now because right now it is red. No, it's not. Right now, that area is Residential 2-DUA, two dwelling units per acre. That actually is entirely consistent. That's (*inaudible*) there. Mr. Sullivan stated it is zoned MC.

Ms. Hankins stated so the Browning property that's down the road there next to the houses is zoned MC. Is that what you are saying? Mr. Sullivan stated yes. Ms. Hankins stated so the typical way that we would address a Land Use that we would like to see change over time, is let the zoning stand as MC, but do change the plan to show what ultimately would be envisioned. There is some inconsistency there, but that's okay, because the zoning is what establishes your right. That way, if ever they sell that property, you've got the plan in place showing it should be Single-Family, and that right doesn't persist through time farther out than you would like. It protects the current owner. Council member Stinnette stated that was where the Planning Commission landed on it. The Planning Commission agreed to accept the dissonance between the Land Use and the Zoning Ordinance. Mayor Fraser confirmed. So, they are looking forward that this is our desire to leave it at that. Ms. Hankins stated that she wants to correct something that she said. The non-conforming use can be sold to another person who can operate the non-conforming use. It's only if you change the use that you lose those rights. Mayor Fraser inquired we are leaving it. Council member Stinnette stated that he just wanted to make awareness of it because there are a number of people that listen in on these discussions, that don't listen to these discussions and kind of trade opinions via social media. He forecasted that this was going to hit our plate three months ago. He just wants all to be prepared with the nuance of non-conforming if questions are asked and can be addressed. t

Mayor Fraser stated being done. Council member Stinnette stated that there is one last item. This is the last item. He thinks with this item the West End, it's not a debate. He thinks if we can lockdown the West End, he thinks it's ready for an advertisement and a map for staff to proceed. Ms. Hankins stated that she wants to clarify that. She stated for this area with the Browning property on it, the East Main Focus Area Map, we have not made any

changes to the map thus far, have we? Council member Stinnette stated no, we have not. Ms. Hankins stated that this map stays the same so far. Council member Stinnette stated yes.

Council member Stinnette stated the West End; basically it is Mixed Use Neighborhood Scale. You look at 7-Eleven, then go north across Route 7. This is in the vicinity of 32nd and 31st Street. He explained go north across there and go east of St. Andrews. He stated previously it was Mixed Use Commercial. What is now being done is Mixed Use Neighborhood Scale and scaling it. He stated not wanting a CVS or say Block Buster at 40,000 square foot property there. He stated aspirationally, it would be nice if there was a quad there, some green space, some walk around space. He thinks by large it would be nice if we could kind of church up the West End, to make it look nicer than it does right now as industrial. The aspiration was to take this to Mixed Use Neighborhood Scale. That was one of the areas forecasted as some potential housing options. It still has a Commercial flavor capability to it. It has all those capabilities, what it doesn't have is the capability for a 40,000 square foot box store.

Council member Stinnette stated there is a property owner, he thinks his plans for that property are consistent with the Land Use that we have. It took him some time to understand how his zoning would be impacted. He doesn't know how his zoning would be impacted necessarily, other than we are not going to let him zone it for a 40,000 square foot box store. He wanted you to be aware of that because he thinks he has another property in Winchester that he has got a model kind of property. If he could do something like that down there on the West End that would be fantastic. He did voice a concern at a session. Council member Stinnette stated that he wanted awareness of the change that has occurred in this Comp Plan to that area. Mayor Fraser inquired and the Planning Commission was in agreement. Council member Stinnette stated that the Planning Commission is happy with this. Mayor Fraser stated Mixed Use Neighborhood Scale.

Council member Stinnette stated what we've done is we have locked down Hirst East. That one is done. We have locked down the West. We have locked down Main Street between Maple and Twig. The only hanging chad we is on the East End, Areas 2 and 3. He gives direction to do between now and tomorrow evening is you are going to flesh out some language for Agricultural/Tourism/Commercial that will give the Council a better idea of what we are thinking about conceptionally, less aligned with farm interests. A little bit more permissive in terms of Commercial at the right form, fit, and scale. And that we will consider that option in addition to the alignment between the property owners for Areas 2 and 3 of Mixed Use Neighborhood Scale. That's a synopsis of where we are at.

Ms. Hankins stated that she has one question. She remembers Nedim making the comment that he would like to see Mixed Use Median Scale removed as a classification. Council member Stinnette stated that this was done. Ms. Hankins stated so the only property that had that designation was the Dollar Store and that is now Mixed Use Neighborhood Scale. Council member Stinnette stated yes.

Council member Bledsoe stated in addition to this direction to staff and Sally, there are two things about it. One, he would strongly suggest removing Agriculture from the description of that category, that Land Use. He stated use Agriculture if you want for Crooked Run Orchard, but the other properties on Ag, maybe Rural Transition or something similar to what it used to be. He stated because it is not Agriculture. Council member Bledsoe stated Agriculture is a specific definition. Also, in the listed Uses, he thinks Mr. Chapman brought this up; this maximum coverage of 30% has got to go away. Council member Stinnette stated yes, agreed.


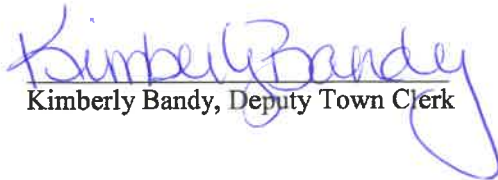
Council member Stinnette stated to Sally, that he thinks the direction from Council is go with the Agricultural/Tourism/Commercial bumper sticker format in formulating thinking on this and then, after that is formulated, put down at the bottom a list of names, that may work.

Council member Grewe requested for Andy to include Mixed Use Neighborhood column for easy cross comparison.

ADJOURNMENT:

With no further business, Council member Greenly made a motion to adjourn the meeting. The motion was seconded by Council member Grewe and carried 5-2 absent.

Respectfully submitted by Faith Stine.


Kwasi Fraser, Mayor
Kimberly Bandy, Deputy Town Clerk

