TOWN OF MIDDLEBURG
PLANNING COMMISSION
WORK SESSION AND REGULAR MEETING MINUTES

MONDAY, DECEMBER 15, 2025
PENDING APPROVAL

PRESENT: H. H. "Dev" Roszel, Chair
Kim Basinger, Member
Christopher Hersh, Member
Rachel Minchew, Member
Michael Rocconi, Member
Morris "Bud" Jacobs, Councilmember

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

ABSENT: Donald Woodruff, Vice Chair

The Middleburg Planning Commission held their work session and regular monthly meeting on Monday, December 15, 2025 in the Town Hall Council Chambers. Chair Roszel called the work session to order. Town Clerk North called the roll at 6:30 p.m.

Closed Session

Commissioner Hersh advised that he would recuse himself from participating in the closed session.

Councilmember Jacobs moved, seconded by Commissioner Rocconi, that the Commission go into closed session as allowed under the Virginia Freedom of Information Act Section 2.2-3711(A)(1) for discussion, consideration, or interviews of prospective candidates for appointment to the Planning Commission. Councilmember Jacobs further moved, seconded by Commissioner Rocconi, that the Commission thereafter reconvene in open session for action as appropriate.

Vote: Yes – Commissioners Basinger, Hersh, Minchew, and Rocconi and Councilmember Jacobs
No – N/A
Abstain – N/A
Absent – Vice Chair Woodruff
(Chair Roszel only votes in the case of a tie.)

Chair Roszel asked that the Commission certify that to the best of each member's knowledge (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (2) only such public business matters as were identified in the motion by which the closed session was convened were heard, discussed or considered in the closed session, which each member so did with the exception of Commissioner Hersh who did not participate in the closed session. Chair Roszel reminded those present for the closed session that any discussion that occurred within it should be treated as confidential.

Chair Roszel closed the work session and called the regular meeting to order at 7:00 p.m.

Disclosure of Meetings with Applicants

No meetings were reported with applicants.

Approval of Meeting Minutes

Commissioner Hersh moved, seconded by Councilmember Jacobs, that the Planning Commission approve the November 24, 2025 Work Session & Regular Meeting Minutes as presented.

Vote: Yes – Commissioners Basinger, Hersh, Minchew, and Rocconi and Councilmember Jacobs
No – N/A
Abstain – N/A
Absent – Vice Chair Woodruff
(Chair Roszel only votes in the case of a tie.)

Public Hearing

Special Use Permit 25-01: Professional Office on Street Level/First Floor–Catherine P. Cherry–11 E. Washington St.

Deputy Town Manager Moore reported that this application involved a small storefront in the first block of East Washington Street. He advised that it was occupied in 2019 by Purple Cherry Architects and noted that, at that time, they represented that they would occupy the space as a retail establishment, with the office use being an accessory use that would comprise less than 50% of the use and the revenue generated. Mr. Moore advised that it turned out that this was not the way it has been operating and noted that the staff confirmed this and issued a notice of zoning violation for the property for a use other than what was permitted. He explained that at that time, the applicant had three options – appeal the determination, which did not occur; vacate the space; or apply for a special use permit. Mr. Moore reminded the Commission that professional offices were only allowed by-right in the C-2 District in a space other than on the first floor or street level. He noted that to operate this use on the first floor or street level, a special use permit was required. Mr. Moore advised that this was the route the applicant had taken.

Deputy Town Manager Moore reminded the Commission of the stated purpose of the C-2 District, which was the core district on the main street. He opined that special uses were anticipated in spaces that may not be in a prominent position and advised that while they were not necessarily inappropriate on the main street, that had always been the staff's interpretation of the intent of the ordinance. Mr. Moore reminded the Commission that special use permits had been issued for properties on the main street; however, they were for properties that had a special situation, such as a museum. He noted that a representative from the applicant was not present.

Tim Clites, Chair of the Historic District Review Committee, noted that he listened to the discussion regarding this item during the Commission's last meeting. He opined that the granting of a special use permit should be carefully considered, with circumstances supporting the need. Mr. Clites opined that this request should be looked at with two criteria – the first being the building/location/zoning and the second being the business itself. He noted that the space was a small, highly visible, well positioned space that had unique petite charm and was central to the C-2 District. Mr. Clites opined that it was well suited for retail use and noted the other small retail shops in town that supported this position. He suggested it was ideal for the C-2 District to have a variety of space sizes, including small spaces to support start-up businesses. Mr. Clites noted that some of the town's smallest retail spaces actually thrived due to their uniqueness. He advised that this particular space was in a location that experienced significant pedestrian traffic and was perfect for a retail use. Mr. Clites advised that as to the business itself, professional services were wonderful and should be welcomed into the community; however, this business was no different than any other professional services firm. He noted that during last month's discussion, it was suggested that the space might sit empty; however, he opined that it had in fact sat empty for the last six years, as there had been no staff on site, no open business hours and no retail items for sale. Mr. Clites noted that Mr. Moore previously cautioned the Commission about being punitive in their deliberations; however, he suggested the applicant should also not be rewarded for providing a use that was not consistent with the goals of the C-2 District. He asked that the Commission carefully consider the request and reminded them that active retail uses were a significant draw for visitors coming to Middleburg's vibrant downtown area. Mr. Clites opined that this space was well suited for and should remain retail. He suggested the applicant should locate in a zone that was appropriate to their use.

Punkin Lee, President of the Middleburg Business & Professional Association, agreed the main street should remain retail. She noted that she owned a service business that has been located on a back street for forty-eight years. Ms. Lee opined that service businesses on the main street were not a way to welcome people to town. She suggested that the variety of retail establishments kept people coming to Middleburg and noted that service businesses did not. Ms. Lee agreed with Mr. Clites that while the space was small, it was a great space. She cited the example of a retail establishment that was located in an even smaller space than this one. Ms. Lee opined that allowing this space to remain in a service use would set a trend and questioned what would happen the next time someone wanted to put something like a law office on the main street. She opined that Middleburg would lose its personality. Ms. Lee suggested the space needed to remain in a retail use.

There being no further speakers, the public hearing was closed.

Deputy Town Manager Moore reminded the Commission that the question was asked last month as to whether a time limit could be imposed on the special use permit. He noted that the State Code changed in 2024 and advised that a time limit of three years could be imposed on residential permits and that a time limit could be imposed for any other type of special use. Mr. Moore confirmed the Commission or Town Council could impose a time limit.

In response to an inquiry from the Commission, Deputy Town Manager Moore reminded the Commission that they were the recommending authority to the Town Council. He further reminded them that the Council would make the decision to approve or deny the permit. Mr. Moore advised that if an appeal was filed, it would be filed with the Circuit Court.

Chair Roszel encouraged the Commission to think about why they were having this conversation. He noted the need to consider what the real use was and what the Town designed to be retail and not retail. Mr. Roszel suggested the need to think broadly about how this would affect what other people did if certain exceptions were made for something that did not necessarily fit. He noted the need to look at the longer term, as opposed to the short-term.

Commissioner Rocconi opined that there would have to be a unique situation to approve the special use permit, such as the building could not be used for retail purposes, and advised that he did not see that situation here. He opined that this was a prime retail location.

In response to an inquiry from the Commission, Deputy Town Manager Moore advised that the three-year time limit only applied to a residential use. He advised that the three years did not apply in this case.

Commissioner Minchew advised that she walked by the business again and agreed it was a prime location for a retail shop. She expressed an understanding of the concerns about changing the main street by allowing this type of special exception.

Deputy Town Manager Moore advised that in the past, the space was not a separate space but rather was part of the business in the adjacent space. He advised that when the bookstore moved into the other space, they did not take this wing, so it became available as an individual storefront.

Commissioner Basinger opined that it was interesting to hear people say there was not a lot going on. She noted that this was not supposed to drive the Commission's decision. Ms. Basinger advised that she did not see a huge change likely to happen. She opined that it was sad that it was empty and that people were not going into the space.

Commissioner Hersch opined that if a special use permit was granted, it would be difficult to tell someone else they could not do the same thing and noted that the Town could end up with a downtown district that was all professional services. He noted that this would not lend well to drawing foot traffic to the downtown area.

Chair Roszel noted that special use permits were theoretically taken on their own merits. He expressed disappointment in the disingenuous way this use started in 2019 when commitments were made to use it for a certain purpose. Mr. Roszel noted that the granting of the occupancy permit was based on what the applicant promised to do; however, this

never transpired. He advised that this was concerning for him and questioned how the Commission was to know whether they would do what they said they were going to do a second time. Mr. Roszel noted that there had been talk about the amount of vacant space in Middleburg, with the suggestion that it was better to have this one here; however, he noted that if you walked by the space, it was essentially vacant, as there was no one there. He opined that if the business moved to the C-1 District, it would not be moving merchandise because the space was relatively vacant. Mr. Roszel noted that they would also still be able to do what they were doing now, which was to operate by appointment. He opined that the space should be kept as a retail space and suggested this was important. Mr. Roszel agreed with Commissioner Hersch that the Commission did not want to set precedents. He noted that perceptions were reality and opined that someone else would question why the same thing was not approved for them if it was approved in this case. Mr. Roszel advised that while the Commission did take each application individually, his recommendation would be to not approve this one. He opined that this was a retail space and should be kept in that use.

Commissioner Hersh moved, seconded by Commissioner Rocconi, that the Planning Commission forward SU 25-01 to Council recommending denial for the following reasons: (1) the proposed office use at this location is inconsistent with the C-2 District's purpose to accommodate pedestrian oriented commercial activities; and, (2) the proposed office use at this location is inconsistent with the Comprehensive Plan's intention to increase vitality in the Town's central business district.

Vote: Yes – Commissioners Basinger, Hersh, Minchew, and Rocconi and Councilmember Jacobs
No – N/A
Abstain – N/A
Absent – Vice Chair Woodruff
(Chair Roszel only votes in the case of a tie.)

Council Representative Report

Councilmember Jacobs reported that he attended his last Council meeting as a member of the Council; however, he planned to continue serving on the Planning Commission.

Discussion Items

Reorganization of Commission

Deputy Town Manager Moore noted that the Commission would elect officers during their January meeting and encouraged the members to think about who they would like to serve as the Chair and Vice Chair. He noted that Chair Roszel and Commissioner Minchew received recognition for their service from the Council during their last meeting; however, he thanked them for their service and noted that they had contributed much.

Quorum for January Meeting

Those members who were present confirmed they would be present for the January 26th meeting.

Thank You

Chair Roszel thanked Deputy Town Manager Moore and Town Clerk North for helping him throughout his ten years on the Commission.

There being no further business, Chair Roszel adjourned the meeting at 7:29 p.m.

RESPECTFULLY SUBMITTED:

_____
Rhonda S. North, MMC, Town Clerk

Middleburg Planning Commission Transcript
December 15, 2025

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

Rhonda North: Mr. Chair, you are live.

Dev Roszel: All right. Commissioners let's call this meeting to order work session. Rhonda, could you please call the roll?

Rhonda North: Chair Roszel.

Dev Roszel: Here.

Rhonda North: Vice Chair Woodruff is absent. Commissioner Basinger.

Kim Basinger: Present.

Rhonda North: Commissioner Hersh.

Chris Hersh: Here.

Rhonda North: Commissioner Minchew.

Rachel Minchew: Here.

Rhonda North: Commissioner Rocconi.

Mike Rocconi: Here.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Here.

Dev Roszel: Great. Thank you. We are going to go into a closed session for our first work session. So, we will meet back in the corner room there.

Chris Hersh: And, Mr. Chairman, with your permission, I'll recuse myself.

Dev Roszel: Understood.

Will Moore: If you would, please. There is a motion that needs to be read in order to convene the closed session.

Bud Jacobs: You want me to do it?

Dev Roszel: Yes, please. Bud.

Bud Jacobs: I move that the Commission go into closed session as allowed under the Virginia Freedom of Information Act, section 2.2-3711 (a) 1 for discussion, consideration, or interviews of prospective candidates for appointment to the Planning Commission. Oops. Darn it, Will I further move that the Commission thereafter

reconvene in open session for action as appropriate, following the above motion being made and properly seconded? Oh. Never mind. That's it.

Dev Roszel: Do I have a second?

Chris Hersh: Second?

Dev Roszel: All in favor?

Chris Hersh: Aye.

Dev Roszel: Thank you. Rhonda, can you do a roll call, please?

Rhonda North: Chair Roszel.

Dev Roszel: I vote yes.

Rhonda North: Commissioner Basinger.

Kim Basinger: I vote yes.

Rhonda North: Commissioner Hersh.

Chris Hersh: I vote yes.

Rhonda North: Commissioner Minchew.

Rachel Minchew: I vote yes.

Rhonda North: Commissioner Rocconi.

Mike Rocconi: I vote yes.

Rhonda North: Council Member Jacobs.

Bud Jacobs: I vote yes.

Dev Roszel: Okay. Thank you. We will close now to the other room. Okay. I asked the Commission to certify that to the best of each member's knowledge, one only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act. And two, only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed, or considered in the closed session. I would like to remind those present for the closed session that any discussion that occurred within it should be treated as confidential. Can we have a roll call, please.

Rhonda North: Chair Roszel.

Dev Roszel: I vote yes.

Rhonda North: Commissioner Basinger.

Kim Basinger: Yes.

Rhonda North: Commissioner Hersh.

Chris Hersh: Abstain.

Rhonda North: Commissioner Minchew.

Rachel Minchew: I vote yes.

Rhonda North: Commissioner Rocconi.

Mike Rocconi: Yes.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Aye.

Dev Roszel: Okay. We're moving into the regular meeting, so I'd like to call this meeting to order. I'd like to disclose any meetings with applicants. Once again, Rhonda, can you run through?

Rhonda North: Chair Roszel?

Dev Roszel: I have had no meetings with any applicants before the Commission.

Rhonda North: Commissioner Basinger.

Kim Basinger: I have had no such meetings.

Rhonda North: Commissioner Hersh.

Chris Hersh: I've had no such meetings.

Rhonda North: Commissioner Minchew.

Rachel Minchew: I've had no such meetings.

Rhonda North: Commissioner Rocconi.

Mike Rocconi: I've had no such meetings.

Rhonda North: Council Member Jacobs.

Bud Jacobs: I've had no meetings with any applicants with any matters before this board.

Rhonda North: Thank you, Rhonda. Okay. Public comment. Any non-public hearing related comments? This would be items that are not on the agenda for this evening. None. Hearing none, we will go forward. I need approval for the minutes for the 11-24-25 PC regular meeting minutes. Do I have?

Chris Hersh: Move to approve.

Dev Roszel: Do I have a second?

Bud Jacobs: Second?

Dev Roszel: All in favor?

All Commissioners: Aye.

Dev Roszel: Thank you. Alright. We're going to move on to the public hearing. The request of Special Use Permit 25-01, request of Catherine P Cherry for a Special Use Permit for a professional office located on street level or first floor at 11 East Washington Street Zone C2 town Commercial District. Will, do you want to?

Will Moore: Yes, sir. I'll give you a just a quick rundown before you open the public hearing. The Commission will be familiar with this application from last month. But just a quick refresher. This is a small storefront in the first block of East Washington Street. It was occupied in 2019 by the firm Purple Cherry Architects. There was a discussion between staff and the business at that time. As noted in the report. They represented that they would be occupying it as a retail establishment and that the accessory or the office use portion of the business would be an accessory component comprising less than 50% of the use and revenue generated. It turns out that that's not been the way that it's been operating during a periodic review of the use that was confirmed by staff a notice of violation for use of the property other than is permitted under the current occupancy permit was issued. And basically, at that point in time the applicant had three options. The first would have been to appeal that determination which was not done. So that is now a thing decided it is established that it was not being used as permitted. So, there are options now, the two remaining options are to either vacate the space and that could be vacate and find another spot in town where the use is permitted. Or they have the option of applying for a Special Use Permit. So, in the C2 district professional office is a by right use when it is located other than on the first floor or street level. So, if it's a two-story building it can operate by right on the second story. You can operate by right in a basement level if that exists. But if you're going to be on the first floor or street level, it requires the consideration of a Special Use Permit. So that's the route that the applicant has taken is applying for that Special Use Permit. I gave you some background in the memo. Some of the stated purpose of the C2 district some potentially relevant language from the Comp Plan that I think might be worthy of the Commission's consideration. It has always been staff's interpretation and guidance in the past to the Commission of a number of years ago when another Special Use Permit was applied for in the C2 district, that that provision seemed to be more intended for the lower traffic areas that might be C2 zones. So C2 is in the core along Main Street. It's also on some of the side streets Pendleton, Madison, Liberty. But it's also on the back street of Federal. It's also on Marshall Street. So, it gives the opportunity when a space is maybe not in such a prominent position to allow for the use to be considered in the district. That's not to say that it's inappropriate necessarily to be on Main Street, but that's always been staff's interpretation of the intent there. But other Special Use Permits have been approved in the past. One on Main Street in recent years was for the Museum of Hounds and Hunting North America, directly across the street from Safeway. That particular property had its own kind of situation. Now, that wasn't for office use it was for museum. But similarly, it required a Special Use Permit. So, there have been other than by right uses approved on Washington Street in the past. So, I have no new information from the applicant this month, and apparently the applicant is not in attendance this evening either. After the public hearing is conducted, I'd be happy to answer any questions that you have when you go into your deliberation portion. Great. Thank you, Will. Okay. So, there's no one here for public comment. Yes. Please step up. Can you please state your name and address, please?

Tim Clites: Hi, I'm Tim Clites. 109 West Marshall Street. I'm the Chairman of the Historic District Review Committee for Middleburg. Thank you for the opportunity to speak tonight. I listened carefully to your most recent meeting regarding the Special Use Permit before you, and thought it would be helpful to share comments regarding this application. The granting of a Special Use Permit should be carefully considered, with circumstances supporting the clearly stated Staff and Planning Commission to refer to. The analysis of this request could be looked at with two simple criteria, the first one being the building, its location, and the current zoning. The space under review is a small, highly visible, well positioned space with unique petite charm. It is central to the C2 district and very well suited for retail uses. The applicant states the space is small size makes it not conducive to retail uses. However, I believe other small retail shops in town show us otherwise. Ideally, the C2 district would have a variety of space sizes, including small spaces to support small and start up entrepreneurial businesses. Some of our town's smallest retail spaces actually thrive due to their uniqueness. If the space in question were down an alley, along a back street, or in a limited access area, the location might be detrimental to retail use and thus support Special Use Permit change to office. The space this space is in a location with significant pedestrian traffic. Perfect for retail. I think to lose this opportunity would be a shame for the C2 district. The second criteria to look at, I believe, would be the business use itself. The applicant is a well-respected professional services firm doing wonderful work and should be welcomed to the community. The business itself, however, is no different than any other professional services firm. Last month's meeting there were suggestions that without extending the current non-conforming office use, the space might sit empty. Many folks that

live and work in town recognize that this unique little retail space has, in fact, set completely empty for six years. As an empty storefront, it's had little to no pedestrian traffic, no staff on site, no open business hours, and no retail items for sale. Mr. Moore noted last month that the history of this application should not be used punitively in rendering a decision, and I agree. However, neither should their actions be rewarded by providing a special use privilege not consistent with the goals of the C2. I would ask the Commission to carefully consider the request. Active retail uses are a significant draw for visitors visiting our vibrant downtown. The space is well suited to and should remain retail. We should welcome the applicant to town, allowing their business to be located in a zone appropriate to their use, and doing this would fulfill their stated desire, which is to continue contributing to the vitality and success of Middleburg's Historic Downtown District. Thank you.

Dev Roszel: Thank you very much, I appreciate it.

Punkin Lee: Thank you. Punkin Lee 2 West Federal Street. My remarks are not as prepared as Tim's, but I definitely think Main Street should be retail. I have a service business. I've been on the back street for 48 years. Service is not a Main Street way to welcome people to town. I think the variety we have on Main Street keeps people coming and they're able to make a purchase. Walk around with the bag. Service business doesn't allow that. And I agree with Tim that it's a small space, but it's a great little space. Look at the French shop. You can't get much smaller than that. And this spot is probably much larger than [inaudible]. So, I think to make it or let it stay service kind of sets a trend. What are we going to do next time when someone else moves out and wants to put a law office or something on Main Street? And then we kind of lose who we are, and if we lose our personality, we might as well just keep losing it. So, I think it needs to stay retail. Thank you.

Dev Roszel: Thank you very much. Okay. So, I guess we should open this now for discussion. Will do you have any other final?

Will Moore: Just one other thing. Last month a question was raised about the ability to put a time limit on a Special Use Permit, and I did say that I would circle back with you on that. And thanks to Commissioner Rocconi for reminding me of that. When I sent the agenda out the Code of Virginia was amended in 2024 to enable a time limit to be placed on Special Use Permits. There's a minimum of three years for residential permits, but any other type of Special Use Permit. You have the ability to put or the Council in potentially approving has the ability to do that with a condition that there's a time limit. So that is an option for you to consider.

Dev Roszel: Great. Thank you. All right. I will open it up to the Commission for any questions, comments, discussion.

Chris Hersh: This is a question for both you as well as Will in terms of if they appeal whatever decision we have. And it goes to the BZA. Correct.

Will Moore: No. So, in this case, the Commission is acting as a recommending authority to Council. So, this you will take action to forward a recommendation to Council. Council then will make a decision to approve or deny the permit. There is then an appellate option with the circuit court.

Chris Hersh: Circuit Court?

Will Moore: Yes.

Chris Hersh: Okay.

Dev Roszel: I would like to encourage everybody to really think about why we're having this conversation. What the real use is and what the town is designed to be retail and what is not retail, what can happen if we make these changes or if we do approve it or don't approve it. But I want I really hope that everybody thinks broadly about how these things can affect what other people do and how the town when someone comes before the Commission or the Town Council if certain exceptions are made or other provisions are made for something that doesn't necessarily fit. I think we need to look longer term than short term. So, I would encourage you to think about that as we have this conversation.

Mike Rocconi: In my mind recommending approval for a Special Use Permit like this would have to be kind of limited to a very unique situation. An example being a building within this location that clearly, for whatever reason, cannot be used for retail. And I don't see this as that type of situation. It's clearly, in my opinion, a pretty prime retail location. Also, the time limit. This is more for Will. I seem to recall reading that you can't approve a time limit of less than three years.

Will Moore: That only applies to a residential use. So, if there's a residential use that requires a Special Use Permit, it's a minimum of three years, but that does not apply would not apply in this case.

Mike Rocconi: Thank you.

Dev Roszel: Rachel.

Rachel Minchew: I did walk by again because like I said, I was I really thought that it was a part of the shop next door, the design shop because architecture and interiors, it kind of plays to that. And it is prime real estate for a shop front of could be anything. There's no doubt about that. And I do understand the concern and share the concerns of changing our Main Street and allowing these special exceptions as well.

Will Moore: Yeah. It's interesting you mentioned that I was thinking back and went back and looked at some old photos. It's interesting to note. Maybe not for the purpose of your deliberation here, but prior to this occupancy, this was not a separate space on its own. So, this used to actually be part of the business. Tully Rector actually used to be located where Atelier is, and this was a wing of Tully Rector when they moved a couple storefronts down the bookstore Second Chapter books moved into the old Tully Rector space, but they didn't take this wing of it. And so, it became available as an individual storefront.

Dev Roszel: Thank you Will. Anyone else? Commissioner Basinger?

Kim Basinger: Yeah. I think as someone who doesn't work in the village and is not here during the day because I work out of town, I think it's interesting to hear that there isn't a lot going on. And I know we're not supposed to consider that as necessarily driving our decision because you know, that is in the past. However, if that is the process up till now, I don't see a huge change likely happening. And it does when I'm looking at this photo of it, it does make me sad to think that that is empty and that people aren't knocking on that door and going into that space. So, I think that that was really telling to hear that it isn't being used.

Dev Roszel: Thank you. Anyone else questions? Yes, Commissioner.

Chris Hersh: Yes. So, the BZA question was thinking about the criteria that you go through for zoning appeals and thinking about other properties. And within the district, If there's a special use here, it's potentially going to be difficult to differentiate why we're not giving it to somebody else in the same district. And if you end up with a downtown with just professional services, it doesn't lend well to a retail foot traffic downtown. So that was kind of where I was headed with that because it applies to a lot of different properties if we make that exception.

Dev Roszel: Thank you. And I think will you and I had a conversation about, you know, Special Use Permits are theoretically taken on their own merits. So, because we allow, we approve one here doesn't necessarily mean that well, we've opened the door. It doesn't close the door, but we're supposed to, as a Commission, look at each individual one specifically as they go. I have a few things about this that I would like to go on record about. There's two sides to it for me. Number one, I'm a little disappointed in the, I guess, disingenuous way that this whole thing started from 2019 where they had made certain commitments, I will say to the town for what they wanted to do for that space. The occupancy permit was issued based on those agreements, what they had promised to do or said they would do. That never transpired. So, for me, that that is concerning. So, I look at that from the first perspective and I go, okay, well, they didn't do what they said they were going to do. And I'm just speaking from my perspective why should I think that they're going to do what they say they're going to do the second time? I also believe that I've heard talk, I've had conversations about, well, we've had a lot of vacant space. And, you know, it's better to have one here. Well, if you

look at the picture and if you walk by the storefront, it's vacant. There isn't anyone there. It's dark. It's no different than where Julian's restaurant was. I mean, it's dark. It's vacant. I'm not saying that's a good thing. I'm just saying that that doesn't exclude it from being held to the same standards that we would hold anyone else in this situation. So, I believe that. Do I feel concerned that if I say if we decline the Special Use Permit, well, they're going to have to move. Well, the fact of the matter is, if they move to C1 or to somewhere around the corner, it's not like they're moving all of their merchandise because the space is relatively vacant. If they maintain the same type of business around the corner in the C1 district, they can still do the same thing by appointment. They can do whatever they want. I don't believe the use is going to change because they're there. So, from my perspective, I think it should be kept as a as a excuse me, as a retail space. I think it's important that we maintain that. To your point, Commissioner Hersh, is that we have you don't want to set precedents. Perceptions is reality, whether we look at each one individually, people are going to say, oh, well, you approved it for those people, why don't you prove it for me? That's not really the case. The reality of it is we do take them individually. I personally think that it's my recommendation that we would not approve it based on all of those items. The first two that I mentioned about keeping your word, the other one is about just they're not doing what they said they were going to do. This is a retail space. It's been known for that. It's a retail zone in our town. I think we should keep it for that and that's how I feel about it. So. Okay. Yes.

Bud Jacobs: Can we call for a vote?

Dev Roszel: Let's go ahead and take a vote for all those somebody want to make a recommendation for approval or denial?

Chris Hersh: Mr. Chairman.

Dev Roszel: Yes. Excuse me. I'll keep looking this way, and I. I know you're down here.

Chris Hersh: I move that the Commission forward SU 25-01 to Council recommending denial for the following reasons. The proposed office use at this location is inconsistent with the C-2 district's purpose to accommodate pedestrian oriented commercial activities. And also, the proposed office use at this location is inconsistent with the comprehensive plans intention to increase vitality in the town's central business district.

Dev Roszel: Thank you. Do I have a second for that?

Bud Jacobs: Second.

Dev Roszel: All in favor?

All Commissioners: Aye.

Dev Roszel: Thank you. So, moved. Thank you. So that will go to the town council. So next on the record is the council representative report Commissioner Jacobs.

Bud Jacobs: I attended my last council meeting on December 11th as a member of that august body. I plan to continue as a member of this august body, and I'm looking forward to seeing who the council decides should be our new liaison. Other than that, I don't have a lot. It's December, I suggest we all go home and begin to enjoy the holidays.

Dev Roszel: Great. Thank you, Bud. Any items for discussion? Will. Anything for you.

Will Moore: Two quick items. I would just encourage the Commission members that will remain on the Commission going into the next year to start thinking about officer positions for next year, we will be in need of a chair and vice chair. And just secondly our chairman as well as Commissioner Minchew got apt recognition at the last council meeting. But just from a staff perspective, thank you for your service. For many years on this body. It's been great. Both of you have contributed so much. So, thank you from us.

Dev Roszel: Thank you. Will. I really appreciate it. Quorum January 26th. Everyone got to be here. Yeah, yeah, yeah. Okay January 26th will be the next meeting. I do want to say thank you very much to Will and Rhonda for helping me through all these years. I realize it was almost ten, so thank you very much. And it's been great. It's been real, but it hasn't been real great. Thank you. This meeting is adjourned. Thank you.