**MIDDLEBURG TOWN COUNCIL &**
**PLANNING COMMISSION**
**Joint Meeting Minutes**
**Monday, May 20, 2024**

**PENDING APPROVAL**

PRESENT: Mayor Trowbridge M. Littleton
Vice Mayor Chris W. Bernard
Councilmember Pamela Curran
Councilmember J. Kevin Daly
Councilmember Morris E. "Bud" Jacobs
Councilmember C. Darlene Kirk
Councilmember Peter A. Leonard-Morgan
Councilmember Cindy C. Pearson

Don Woodruff, Vice Chair
Ed Fleischman, Commissioner
Rachel Minchew, Commissioner
H.H. "Dev" Roszel, Commissioner
Mimi Dale Stein, Commissioner

STAFF: Danny Davis, Town Manager
William M. Moore, Deputy Town Manager
Rhonda S. North, MMC, Town Clerk
Erick Moore, Planning & Project Associate

The Town Council and the Planning Commission of the Town of Middleburg, Virginia held a joint meeting on Monday, May 20, 2024 in the Town Hall Council Chambers, located at 10 West Marshall Street. Mayor Littleton called the Council meeting to order, and Vice Chair Woodruff called the Planning Commission meeting to order at 6:30 p.m.

**Discussion Item**

Review and Discussion of R-2 District Community Workshop Report

Mayor Littleton explained that Town Manager Davis and Deputy Town Manager Moore would go over The Berkley Group's report. He thanked everyone for attending this meeting, as well as the community workshop that was previously held. Mr. Littleton also thanked the Town staff for their hard work on this item. He reviewed the history of changes that had occurred to the R-2 District regulations and acknowledged the work the Planning Commission had put into them. Mr. Littleton noted the desire to look at the challenges that were affecting the town and how they could be thoughtfully addressed using constraints to achieve the resolution the community was looking for. He reminded those present that what was heard from the community was the desire to see more done to address their concerns regarding development patterns, which included the demolition and rebuilding of homes. Mr. Littleton noted the community's desire to ensure the protection of Middleburg's established and long-standing communities for all the reasons that were stated in the report. He opined that there were two big goals to come out of this meeting – to get the overall strategic view of the community's concerns based on the report and to develop a zoning ordinance amendment to address those concerns. Mr. Littleton advised the Commission that this was one of the Council's strategic priorities and noted that at some point, the Council would initiate a zoning text amendment, which it would forward to the Commission for their consideration and recommendation. He advised that the Council wanted to move quickly on this item; however, he noted the need to make sure it was done "right." Mr. Littleton advised that he would serve as the Chair for the purpose of this meeting.

Vice Chair Woodruff noted that for many years, this was something the Commission had grappled with. He advised that finding a consensus was a goal they embraced years ago. Mr. Woodruff expressed hope that something could be developed that would meet the expectations of the Council and the entire community.

Deputy Town Manager Moore reviewed the history of the R-2 District's regulations. He noted that in 2020, the Council expressed interest in addressing the scale and character of the redevelopment that was occurring in the older residential neighborhoods and in January of 2021, gave direction to the staff and Planning Commission to prioritize a review of the development regulations that pertained to the R-2 District. Mr. Moore advised that between February and April of 2021, the Commission conducted a detailed study of the newer construction. He noted that they went out in the field and looked at real life examples, including how they related to the scale of the older development in the area. Mr. Moore advised that they crafted a number of initial proposals to address some of the concerns and moved forward with zoning text amendments that addressed building height and side yard requirements, and that established a relationship between the two. He noted that he proposed some other recommendations, which the Commission felt needed more study. Mr. Moore reminded those present that the zoning text amendments related to building height and side yard requirements were adopted by Council in May of 2021. He noted that following that, the Town engaged The Berkley Group to study the other recommendations originally proposed by the staff, as well as to identify new ideas. Mr. Moore advised that The Berkley Group completed a detailed study, which benchmarked Middleburg with other communities of a similar nature in Virginia, as well as some outside of the state. He noted that their final report, which was published in April of 2021, contained three levels of intervention. Mr. Moore advised that one was the introduction of impervious coverage requirements for lots, which regulated not only the amount of area under roof, but also other impervious areas. He further advised that the second intervention involved the introduction of a maximum lot size requirement to prevent the consolidation of multiple lots to create a large one on which a large home could be built. Mr. Moore noted that this intervention also included consideration of reducing the current lot coverage requirements for area under roof and introduced landscaping requirements. He advised that the third intervention involved the establishment of an architectural control district. Mr. Moore reported that the Planning Commission ultimately chose to initiate a second zoning text amendment, which included the first and a portion of the second intervention recommendations. He explained that with regard to the creation of a maximum lot size limitation, the Commission recommended an amendment that would allow for larger lots; however, it capped the lot coverage requirement as though there was a maximum lot size. Mr. Moore noted that the Council adopted those recommended amendments in July of 2022, which was where the regulations currently stood. He advised that newer construction occurred during the amendment process, as well as subsequent to it, and the Council continued to express its ongoing concerns. Mr. Moore reminded those present that the Council started a process to initiate further zoning text amendments, which they forwarded to the Commission, at which point the Commission requested a joint meeting so they could get a better idea of what they should be acting on. He further reminded them that rather than holding a joint meeting, it was decided that it would be best to bring the community in on the discussions to get a better idea of their level of concern. Mr. Moore noted that The Berkley Group was engaged to conduct a community meeting, which was held in October of 2023. He advised that the report from that meeting had been received.

Town Manager Davis reviewed the findings in The Berkley Group's report. He reminded those present that fifty-six people were present for the community workshop that was held on October 16, 2023. Mr. Davis noted that the purpose of the workshop was not to analyze specific zoning standards, but was to determine if there was consensus around whether the community still had concerns about the development patterns and community patterns of construction that was occurring around Middleburg. He reminded those present that the R-2 District predominantly covered the Ridgeview neighborhood, as well as Stonewall Avenue, Lincoln Road and Chinn Lane. Mr. Davis further reminded them that the zoning standards affected things like building height maximums, lot widths and required yard minimums. He noted the zoning regulation changes referenced by Deputy Town Manager Moore and advised that municipalities could set various factors depending on the desires of the community, Planning Commission and Council. Mr. Davis reviewed the exercises that were conducted during the workshop. He opined that the Town was able to get valuable feedback and the sentiment of the community through them. Mr. Davis noted that during the first exercise, there was discussion related to scale and front facing garages. He advised that during the second exercise, concern was raised about cookie cutter styles of houses, as well as about houses being so close together. Mr. Davis noted that during the third exercise, the participants again discussed front-facing garages and felt the architectural style of the houses was not very desirable, including their height. He advised that there was also discussion around the design features and zoning

specific features of the architecture depicted in the photographs. Mr. Davis reminded those present that the fourth exercise focused on front yard setbacks and advised that there was interest expressed in having a variation to the setback, as well as having landscaping which added to the view and character of the homes. He noted that the input was to avoid having a cookie cutter feel and to have more diversity in the housing as they related to the look and feel of the community. Mr. Davis reminded those present that there was a fair amount of feedback expressed around the desire for greater regulation, about the development that was occurring, and about protecting the historic charm of the town through diverse development types.

Town Manager Davis advised that the result of the next set of exercises was a desire for traditional neighborhood design. He noted that the idea of a front-loaded garage being a negative was once again discussed. Mr. Davis advised that there was appreciation expressed for front yards and the absence of front-facing garages. He noted that as to the garages, there was interest expressed in a detached rear yard version that was not along the front façade or plane of the structure. Mr. Davis advised that as to setbacks, the options that offered variations were determined to be more desirable. He noted that much interest was expressed from the community in considering the imposition of an architectural control district and advised that Deputy Town Manager Moore would talk later about some of the things an architectural review board would have the authority to review in terms of new construction. Mr. Davis reminded those present that the participants were asked to write down their comments and reported that by a two-to-one margin, they said they wanted to see some kind of change to the current standards so they would mitigate some of the concerns and the impacts of the construction that was happening in the R-2 District. He noted that they did not dictate what specific items should be addressed or how, but rather, expressed interest in seeing some kind of change. Mr. Davis reminded those present that this could be in the form of building height restrictions, lot coverage restrictions, or the imposition of an architectural control district that would cover the R-2 District.

Town Manager Davis reported that The Berkley Group's report contained four options for consideration. He advised that the first was to maintain the status quo; the second was to look at specific zoning standards in the zoning ordinance and consider adding additional restrictions; the third was to focus less on zoning district standards and to add supplemental use standards; and the fourth was consideration of an architectural review. Mr. Davis reminded those present that the Town was now at the next phase, which was to meet to discuss the options and potential next steps. He advised that Deputy Town Manager Moore would review the details associated with the second, third and fourth options, including what could and could not be accomplished with each.

Deputy Town Manager Moore reviewed the main issues that were raised during the community workshop and whether they could be addressed through the interventions that were proposed. He noted that the first concern was related to building height, setbacks, lot coverage requirements, and overall size of a structure. Mr. Moore reminded those present that the Town already had regulations in place regarding these items. He advised that they could be further refined through amendments; however, they could not be addressed through supplemental regulations. Mr. Moore further advised that they could also be addressed through an architectural control district. He noted that the second concern was related to garages, in particular front-loading ones, and advised that this could not be addressed through zoning ordinance amendments; however, it could be addressed through supplemental regulations to prohibit them or require that they be behind the rear plane of the building. Mr. Moore noted that potential landscaping requirements could also be addressed through supplemental zoning regulations. He advised that when talking about compatibility with the neighborhood, this related to things such as massing and scale. Mr. Moore described what was meant by "massing." He explained that an architectural control district would allow for a review of massing. Mr. Moore also explained what was meant by "scale" and advised that an architectural control district would also allow for the review of scale. He noted that the last concern, which was architectural design features, would also be addressed through an architectural review of the elements.

Deputy Town Manager Moore reported that the Town was able to establish an architectural control district due to a Town Charter amendment that occurred in 2012. He noted, however, that one of the things that could not be regulated was the demolition of an existing structure and advised that the Town could only regulate what was constructed in its place or on an infill lot.

Town Manager Davis noted that during its strategic planning retreat held in April, the Council spent some time talking about this particular issue, including what had been happening in the Ridgeview area, the need to protect the community, and the underlying concerns. He advised that the concerns were related to aesthetics and the fact that smaller homes were being demolished, which resulted in the loss of attainable, more affordable housing in light of what was being constructed in its place. Mr. Davis further advised that the Council discussed the shortage of attainable and affordable housing in the community and noted that each time such a home was demolished, it resulted in a lost opportunity. He noted that the Council also held a lot of conversation about who Middleburg was as a community and who the residents were as to those who lived, interacted, and engaged here. Mr. Davis acknowledged that the Town could not control who bought homes and lived in Middleburg; however, the tradition of Middleburg was to have people who engaged in their communities. He advised that the Council hoped to encourage development patterns and types that would continue to bring people to the community who were engaged, involved, and really invested in their communities. Mr. Davis noted that there were some underlying thoughts as to why the Town should continue to look at this as a community issue and explained that this was why it remained a strategic priority for the Council. He reminded those present that the Comprehensive Plan talked about the need for a variety of housing types.

Mayor Littleton suggested the Council and Commission discuss what the Town had been hearing from the community, rather than the report itself. He acknowledged that the Commission may have questions about what the Council discussed during its strategic planning retreat. Mr. Littleton advised that the second piece was to look at next steps and reiterated that when the Council was ready, it would initiate a zoning text amendment that it would forward to the Planning Commission for their review and recommendation. He further noted that once their recommendation was received, it would return to the Council for their next step. Mr. Littleton suggested the Commission and Council not try to find a solution during this meeting.

Vice Chair Woodruff opined that one of the issues was how much control the Town had over how someone built their house and whether that extended to architectural design. He advised that this concerned him. Mr. Woodruff further advised that he had spoken with others who were concerned about how much control the Town should have over an individual's design, as long as it met basic standards set by the Council, with the Commission's input.

Mayor Littleton noted that the HDRC could regulate the color of someone's house and advised that that was not where he was saying the Town should go. He opined that it was the Town's responsibility to hear the voice of the community and to go as far as was needed to address their concerns. Mr. Littleton noted that seven out of ten citizens said they didn't like the path the town was on, and that the Town needed to do something. He advised that he was not saying an architectural control district was the right solution; however, a lot of people said they were in favor of establishing one. Mr. Littleton opined that Mr. Woodruff's question was "what was the appropriate role of government."

Vice Chair Woodruff advised that it was "what was the appropriate balance."

Commissioner Fleischman noted the Mayor's point in his opening remarks about the need to get it right. He further noted the options that were available and suggested the need to move slowly to make sure the Town got it right. Mr. Fleischman advised that he heard a lot of different views during the community workshop, with some people suggesting there should be more restrictions and others suggesting that people should be allowed to build or change their homes as they saw fit within the current zoning regulations. He opined that there was not a consensus of what the community wanted. Mr. Fleischman suggested that a number of the participants at the community workshop were not town residents and opined that the opinions of town residents should weigh more. He suggested the Town should find out how the residents in Ridgeview felt, either through a meeting or survey that was specific to the owners of the Ridgeview properties. Mr. Fleischman opined that there were a lot of other problems in Ridgeview, such as the lack of storm sewers.

Mayor Littleton noted that the purpose of the meeting was to discuss zoning, not having VDOT install storm sewers.

Commissioner Fleischman opined that there were different views and different things the Town could spend money on. He opined that it was important to survey just the Ridgeview people to find out how they felt.

Mayor Littleton advised that the Town was not going to do that and explained that this was what The Berkley Group's work was all about. He noted that the members of the elected body had been to two dozen homes in Ridgeview and had conversations with residents who were concerned. Mr. Littleton further noted that the Town had been hearing about this for years. He reminded those present that seventy percent of the participants in the community workshop felt that things were going in the wrong direction. Mr. Littleton expressed appreciation that people may have been present who didn't live in town and noted that there were developers in the room who also influenced the numbers. He advised that there were a lot of people present who had a monetary interest in not seeing anything be done and noted that Mr. Fleischman sat at the table with them. Mr. Littleton opined that the desires were clear and convincing and advised that this was where the Council was going.

Councilmember Pearson noted the need to include Lincoln Road and Chinn Lane in the discussion, as they were also in the R-2 District.

Councilmember Daly noted that Middleburg was not a huge town. He advised that even though he lived on the east side of town, he frequently walked through Ridgeview and the Middleburg Salamander subdivisions. Mr. Daly further advised that everyone who lived there were his neighbors. He noted Mr. Fleischman's comments that people on the east side of town shouldn't be telling the people in Ridgeview how they should paint their homes and suggested the need for everyone to look at themselves as being part of "Middleburg".

Councilmember Curran noted that she used to attend the Planning Commission meetings, sat with her neighbors in Ridgeview, and said the same thing about property rights until everything started to change with the demolition of the houses, which destroyed the character that the Ridgeview residents wanted. She advised that she was delighted by the work done by The Berkley Group and Deputy Town Manager Moore. Ms. Curran noted that there were localities that had implemented best practices that offered the Town a lot to work with. She advised that the Ridgeview residents were really concerned about what was being done by the developers who were coming into town.

Vice Mayor Bernard noted the need to balance people's personal property rights with the community's property rights. He further noted that if his neighbor built something horrible in his yard, it would affect him. Mr. Bernard acknowledged the Mayor's previous comments that the State Code outlined what the Town was allowed to do. He opined that the Town did not need to go to the maximum levels. Mr. Bernard noted that people looked at Middleburg as a really beautiful place. He further noted that people complained about having to apply for permits; however, at the end of the day, everyone agreed in principle that this was what made the town beautiful. Mr. Bernard suggested that if there was something that could be extrapolated to the residential areas, the Town should look at it.

Councilmember Leonard-Morgan noted his concerns about property rights; however, he agreed with Vice Mayor Bernard about the need to ensure there was a balance. He advised that the Council was not saying a home that had seen its day shouldn't be demolished, but rather was saying that what was built in its place needed to be in balance with the community. Mr. Leonard-Morgan agreed it could be bigger than the previous house; however, he suggested it should not be outrageous like the houses that could be seen in other communities, such as Northern Virginia. He opined that the Planning Commission had done a good job of making changes to the zoning regulations and advised that it needed to be determined as to where the limits were that were going to satisfy everyone in terms of keeping Middleburg's character and beauty, while allowing owners to retain their property rights. Mr. Leonard-Morgan opined that the Town did not want residents to lose value when they wanted to sold their properties.

Commissioner Roszel agreed. He suggested it was important from the Planning Commission's perspective to make sure the zoning was "in the right spot." Mr. Roszel opined that there were several things involved in this discussion, including allowing people to sell their property and make a profit. He noted that for some people, this was where they invested all their savings and opined that the Town needed to be careful not to affect that when it adopted zoning ordinances. Mr. Roszel noted the comments regarding affordable housing and opined that people could not equate the homes in Ridgeview with affordable housing. He suggested that affordable housing was virtually non-existent in Middleburg. Mr. Roszel noted that the Town could not say that someone could not tear down a house because someone else could buy it for less. He suggested the need to have the right zoning in place so if someone sold their house and it was demolished, its replacement would be compatible with the remainder of the village. Mr. Roszel suggested this

needed to be a separate conversation from affordable housing. He opined that controlling what someone else could do was problematic and suggested this would require the Council and Commission pay attention to how they stated what they wanted to do, as words meant a lot. Mr. Roszel opined that the residents in Ridgeview were in favor of having some guidelines for what they could do with their properties and noted that everyone wanted to have a nice area. He suggested, however, that people had different views of what they believed was right for their property. Mr. Roszel opined that the Town should not control what someone could do with their property from the standpoint of providing affordable housing. He agreed with the need to get this right and opined that it was going to take a lot of work. Mr. Roszel suggested that not everyone would be happy; however, something could be done that would be consistent throughout the town. He noted that the Commission could present the Council with what it believed was the best thing for the whole, but not for every individual.

Mayor Littleton suggested the need to return to the first principles, which was what was included in the Comprehensive Plan, and advised that this was what all zoning was derived from. He noted that when they drafted the Comprehensive Plan, the Commission said that affordable housing was important, to which the Council agreed. Mr. Littleton reminded those present that the Comprehensive Plan said the community's values were important. He noted that Ridgeview contained half of the town's housing and suggested there was nowhere else to grow it. Mr. Littleton explained that part of the reason the Council was interested in addressing this issue was because the Comprehensive Plan said that affordable housing was very important. He reiterated that it was an issue the Council was going to send to the Planning Commission for their consideration. Mr. Littleton acknowledged that the Commission may propose a different approach; however, he advised that it would be on the list of things the Council would ask the Commission to review. He noted that teachers and firefighters could not afford the multi-million-dollar homes that were being built as replacement homes and advised that when the more affordable homes were lost, they were lost forever. Mr. Littleton reminded those present of the development trend in Ridgeview that had been occurring, with nine homes being demolished and replaced with the exact same house over the past eighteen months. He noted that two more homes were slated for demolition in the next couple of months. Mr. Littleton opined that the Town was facing an acute problem and suggested that if it didn't do something now, Ridgeview would mostly consist of the same house in twenty years because the developer would not stop. He advised that he was not trying to make developers out to be bad people; however, they were here to make a profit. Mr. Littleton further noted that they were not breaking the law or doing anything wrong; however, profit was their motive. He advised that as elected and appointed officials, it was the responsibility of those individuals to temper that with the desires of the community, including the forever community. Mr. Littleton acknowledged Mr. Roszel's comments that some people's homes were their savings and advised that the Council and Commission had to measure that against what Middleburg would look like in one hundred years if ninety percent of the houses cost $4 million and the fabric of the community as it existed was gone. He opined that everyone who lived here in the future would have to be multi-millionaires to afford to live in Middleburg. Mr. Littleton reminded those present that what made Middleburg special was its diversity. He advised that if it was priced out for everyone but the top 2% of the population, it would be another Kiawah Island, which was not what he wanted for the next generation. Mr. Littleton noted that this was the concern shared by many of the people who lived in Middleburg. He opined that they understood the impact this may have on the value of their homes and were willing to accept it because that was what made Middleburg so special.

Councilmember Jacobs agreed with Commissioner Roszel about focusing on affordable housing. He reminded those present that while the Comprehensive Plan mentioned affordable housing, it focused on the provision of quality housing for a wider range of residents. Mr. Jacobs opined that there was no way the properties in Ridgeview would ever meet the HUD standards to be considered affordable housing. He suggested the Town focus on defending the ability to provide a wider range of housing for people to live in Middleburg, while doing its best to preserve the property rights of those who already lived here. Mr. Jacobs noted, in response to Commissioner Fleischman's suggestion to do more studies, that while not perfect, the Town had defensible data. He advised that he did not want Middleburg to end up like North Arlington; therefore, he felt a sense of urgency to move ahead to address these concerns. Mr. Jacobs noted that he was not a fan of architectural control districts because of the amount of time it would take to implement one and advised that he would rather focus on the recommendations related to zoning text amendments and supplemental zoning regulations due to the rate of the tear downs that were occurring.

Town Manager Davis reminded those present that any zoning ordinance or regulation change that would be brought forward would be subject to public review, input, and the hearing process. He encouraged the community to share their comments with the Town either by emailing them to the Town; attending a Planning Commission or Council meeting and speaking during public comment; or, speaking during the formal public hearing process.

Mayor Littleton noted that he served on the County's Zoning Ordinance Committee. He reported that the County frequently had one hundred to two hundred people show up to provide comments. Mr. Littleton encouraged the members of the community to meet with the members of the Planning Commission and Council to provide their input. He noted that he had already met with many members of the community to discuss this issue.

Vice Mayor Bernard opined that no one was under the delusion that the Town was going to create affordable housing in Ridgeview and suggested this should be framed as not allowing all the houses to become grossly unaffordable. He noted the sense of urgency. Mr. Bernard advised that as to the comments about taking away someone's retirement, while people expected some amount of appreciation over time, no one was expecting their properties to sell for what they were selling for in order to be torn down.

Mayor Littleton reported that he had spoken with some appraisers who worked in Middleburg, who explained that a property's value was not based on what could be built, but rather on what was there. In response to a comment from the Council, he confirmed the profit delta went to the builder, which was why the business model worked for the developer.

Commissioner Minchew noted that she asked Deputy Town Manager Moore for the data on the new houses that were built in the neighborhoods over the past five years in comparison to the different zoning regulations that were in place at the time in order to determine whether those changes had made a difference. She agreed that it was clear that not enough had been done. Ms. Minchew acknowledged the time constraints the Town was under to change the regulations. She suggested the need to build upon the changes that had already been made. Ms. Minchew further suggested that the Commission and Council look at the height and yard regulations, as well as regulations to address front-loading garages, which should address a lot of the concerns. She opined that they had a lot of good information and that it was time to start acting upon it. Ms. Minchew asked that the Commission be allowed to do what they needed to do without influence. She suggested there were not enough resources to deal with the issue of affordable housing at this time and recommended the focus be on zoning. In response to a comment from the Mayor, Ms. Minchew suggested that in the future, the Town may wish to consider subsidized housing for families. She noted, however, that that was a separate decision.

Vice Chair Woodruff questioned how far the Town should go with regard to reviewing architectural design details. He further questioned whether items such as landscaping would be reviewed.

Mayor Littleton advised that no one knew the answer at this time. He opined that The Berkley Group's report was a good starting point and contained measurable items that could make an impact. Mr. Littleton noted the need for the Council to figure out what it wanted to send to the Commission for their review and input. He advised that it was the Council's goal to initiate a zoning text amendment quickly.

Commissioner Stein opined that when the Planning Commission included language on affordable housing in the Comprehensive Plan, the hope was that there would be an opportunity to support it, such as what occurred with the rental property that was approved. She opined that they weren't worried about having existing homes demolished and replaced with something that would be affordable. Ms. Stein noted that the Commission was also hoping that Federal Street would change into something different.

Councilmember Leonard-Morgan agreed The Berkley Group's report was a good start. He opined that the Planning Commission had already provided a great start with the zoning text amendments that had already been approved. Mr. Leonard-Morgan suggested the need to build upon them and to find the right balance that would still allow a homeowner to make some changes to their home. He opined that it would be difficult for a builder to put a garage on a small lot that was not front loading.

Mayor Littleton noted that everyone saw what had happened over the past eighteen months and advised that everyone was saying they did not want more of that. He advised that it was clear as to what the town did not want and suggested the tricky part was trying to determine how much farther the regulations needed to go. Mr. Littleton noted that he thought the total lot coverage and impervious surface regulations that were previously adopted were creative, innovative ways of addressing this. He further noted that it was a great starting point.

Commissioner Roszel agreed and noted that the Planning Commission spent a lot of time working on those amendments. He opined that a good footprint was in place. Mr. Roszel noted that they did not consider that the rebuilds would have front-loading garages. He advised that when the question of amending the regulations was returned to the Commission, he suggested they wait to see if the last amendments worked. Mr. Roszel agreed the regulations needed to be tweaked further; however, he opined that they did not need to be changed a lot. He further agreed with the need to tweak the ordinances sooner rather than later, because the longer they waited, the more houses would be built.

Mayor Littleton advised that he would not characterize the changes that were needed as tweaks. He suggested the Commission look at the two houses that have been built on Blue Ridge Avenue, which were constructed under the old regulations, compared to the two that were built on Sycamore under the new regulations. Mr. Littleton opined that it would take more than a tweak. He suggested the solution was probably not an architectural review board; however, he did not want to solution the issue during this meeting.

Commissioner Roszel agreed that "tweak" may not have been the proper word to use. He suggested there shouldn't be changes to the base of the regulations. Mr. Roszel further suggested the need to make them stronger.

Councilmember Pearson suggested the need to address the zoning and supplemental regulation changes first, before considering whether architectural design reviews were needed.

Mayor Littleton agreed the process could be an iterative one.

Commissioner Stein suggested an architectural review board would not need to review lots of things, such as the color of the house. She further suggested they could just review basic design features.

Mayor Littleton agreed and noted the need to find out what that would take. He advised that as to next steps, the Council would develop and initiate a zoning text amendment. Mr. Littleton noted that this was on the Council's agenda beginning with its next meeting, and would continue to be until a recommendation was forwarded to the Commission. He questioned whether it would be possible to get it to them in the next six weeks.

Town Manager Davis noted that Deputy Town Manager Moore had already completed a lot of the work. He advised that whether it was doable to send the amendment to the Commission in six weeks would depend on the extent of the recommendations from the Council. Mr. Davis noted that since the Council intended to forward the proposed changes to the Commission, they needed to be well formed.

Councilmember Jacobs noted that he did not know a lot about architectural control districts and asked for more information on them, including whether it would really take two years to set one up.

Deputy Town Manager Moore confirmed it would take that long and explained that it was not only about setting up district guidelines, but it involved a rezoning of every parcel that would be in the district. He further explained that it would be a zoning overlay district, which would require the same process as a rezoning. Mr. Moore advised that it would be time and labor intensive.

Mayor Littleton suggested that a work plan be developed. He further suggested the Council send the draft zoning text amendments to the Planning Commission within two or three months. Mr. Littleton opined that everyone was in agreement with the need to move quickly on this. He suggested the need to also understand what would be required with regard to setting up an architectural review district and recommended this be worked on separate from the zoning text amendments. Mr. Littleton agreed that everyone would benefit from a thorough understanding of an architectural control

district and what it would entail. He noted that the Council may decide not to pursue it; however, they needed the facts so they could make a decision. In response to an inquiry from Vice Chair Woodruff, Mr. Littleton expressed hope to send a draft zoning text amendment to the Planning Commission by August 1st.

Vice Chair Woodruff opined that this was a more realistic goal. He noted the recommendations in The Berkley Group's report and questioned how much farther the Town could reasonably go with its regulations. Mr. Woodruff opined that reasonableness needed to be a factor.

Mayor Littleton suggested a standing item be placed on the Commission's agenda so Deputy Town Manager Moore could update the members on the status of Council's discussions. He further suggested they be sent the draft documents as they were presented to the Council. Mr. Littleton noted the Council's goal of having something in place by the end of the year and acknowledged that this would not include an architectural control district. He reiterated that the goal was for the Council to send draft zoning text amendments to the Planning Commission in August, which would give the Commission two months to complete their work. Mr. Littleton suggested they may need to hold special meetings in order to do so. He reiterated that the Council really wanted to complete this work by the end of the year.

In response to comments about the time frame for holding the public hearings, Town Manager Davis suggested the staff provide a detailed schedule. He opined that it was achievable for the Commission to review the draft ordinance; advertise and hold a public hearing; hold a follow-up meeting; and, forward a recommendation to the Council within a two-month period In response to an inquiry from Mayor Littleton, Mr. Davis confirmed there were State Code provisions that required the Commission to respond within a ninety day period.

In response to comments from the Council, Mayor Littleton noted that if anyone wished to comment on this matter, they were welcome to do so under the Public Comment section during a Council or Planning Commission meeting. He suggested they could also reach out to the members of the Council and Planning Commission individually. Mr. Littleton reiterated that the Council would draft the zoning text amendments and send them to the Commission in August, at which point, the Commission would review them and forward a recommendation following their public hearing. He noted that the Council would then act on the ordinance. He advised that Deputy Town Manager Moore would provide the Council with some draft language for their review.

Quorum of June Planning Commission Meeting

The members of the Planning Commission confirmed they would be present for the June 24th Planning Commission meeting.

Mayor Littleton thanked the Planning Commission for attending the joint work session. He also thanked the community for attending. Mr. Littleton noted the hard work that lay ahead for the Commission and thanked them for their service to the community.

There being no further business, Vice Chair Woodruff declared the Planning Commission meeting adjourned and Mayor Littleton declared the Council meeting adjourned at 8:03 p.m.

APPROVED:

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Trowbridge M. Littleton, MAYOR

ATTEST:

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Rhonda S. North, MMC, Town Clerk

# May 20, 2024 Middleburg Joint Town Council/Planning Commission Meeting

**(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 of the meeting that is on the Town's website – www.middleburgva.gov)**

**Bridge Littleton:** No. Okay. We will call the meeting to order. And I believe Don is the Vice Chair of the Planning Commission. You have to call the Planning Commission to order and use the mic [off mic]. And Are all the mics on?

**Don Woodruff:** I call the Planning Commission meeting to order.

**Bridge Littleton:** Excellent. Okay. That's all we need, right? Okay. No. Just making sure, you know, not doing roll call or all that stuff. Okay. All right, well let's see here. There's two copies. Okay. All right, so real quickly, just sort of take a second to level set. And then we're really going to turn it over to Danny and to Will to go through everything. But first, I want to thank everybody for coming tonight to this joint meeting. It's certainly the first one I've ever seen. I don't know, Don you've been on the Planning Commission a long time. Have you ever had a joint meeting before? [off mic] Once before we did. [off mic] Oh, interesting. But no, I want to thank everybody from Council and thank everybody from the Planning Commission to come together tonight. I really also want to thank everybody from the public for being here. Really do appreciate it. Your all's input and feedback over the last couple of years and during the Berkley Group public session we had was very, very helpful. And it's, a huge reason as to why we're here. I want to thank staff. Danny, Will, Rhonda, everybody, Estee she's gone, but just everybody in the town staff who's worked really hard over the last couple of years with Planning Commission, with Council to look at this issue and really try to focus on it. It's an extra item for the workload and they've done a great job. So I also want to take a second to just go back in history a little bit. We started talking about this a number of years ago, three, 4 or 5 years ago. Don, I know you're going to give some of that history there. But and Will go over all of that. But one thing I also want to do is really thank the Planning Commission, both the current members and former members who did a lot of work during that time. Multiple meetings using the Berkley Group really trying to look at the challenges thoughtfully address them and, you know, try to get some constraints to, you know achieve a resolution the way the community was looking. You know, a lot of times in government, these things are iterative. You do a little bit, you see if it works, you got to do a little bit more to see if it works. I think what we've heard from the community since then, especially with some of the acceleration of the redevelopment in the R2 districts, is the community, you know, wants to see more done and is concerned about the development patterns and the way a lot of the tear downs and rebuilds are being done and wants to see how we can ensure that we protect our established and long standing community, you know, for all the different reasons that are in the report. So that's kind of why we're here. I think two big goals that we want to have come out of tonight. And number one, again, Will, will go over the history of where things started, how we got here, you know. And what brings us to the current date. But Danny will then take and go over the feedback from the Berkley Group and some more feedback we've heard from the community since then. I think it's important to note that for the Council, since, you know, before the Berkley Group, in our conversations with Planning Commission, and since then we've continued to discuss this at length. It is a top five Town Council strategic priority to focus on, you know, putting some additional protections in place to address the concerns of the community. So at the outset, you know, Danny will go through the report. We're not here to, the goal here isn't to pick apart the report and say I disagree with colon seven on page nine. It's really to get the overall strategic view. It's really to get directional sort of guidance from what we heard. You know any time you Commission a report there's good bad and in between. It's not meant to be perfect. It's meant to be directional. And we really want to take that and move forward. The second piece to this is, you know, the Council has and we talked about it at length in our strategic offsite. The Council has decided that this is a strategic priority we want to address. So what will come out of this at some point is a zoning ordinance amendment that we're going to ask Planning Commission to work its magic and work its wonders on. That's how the process starts. Happens at the county all the time. And so you know what we want to come out of the meeting with is sort of laying out what that next number of months looks like. I think Council has a view too that we want to move quickly. But we want to make sure we do it right. So, you know speed is important but right is more important. So again I thank everybody for coming. Really appreciate it. And looking forward to the overview from staff and the engagement, you know, and discussion. Bud, since you're representing Planning Commission, you know, we're one Planning

Commissioner short with Terry's retirement, I will Chair the meeting. So, you know, I'll do it like a Council meeting, but Bud I don't know if there is a Council rep for Planning Commission. Not sure if you had anything you wanted to add.

**Bud Jacobs:** No. Thank you. Thank you Members of the Planning Commission. We'll all probably have things to say as we go through this, but I would defer to Don to make an introductory [inaudible] if you want to.

**Bridge Littleton:** One thing I will say if you speak, we've got three mics, one down there. This one in the middle is wired. So for folks in the middle, just grab it and speak into it. And there's the other one down there.

**Don Woodruff:** Thank you Bud. Thank you, Mr. Mayor. I would simply say that over the last years, and that's many years, the Planning Commission has grappled with so much of what we read in here. And finding some consensus is a goal that we embraced years ago. And we hope that what we'll come up with is something that will meet the expectations of the town as the Council and the entire community. Thank you.

**Bridge Littleton:** Awesome. With that, turn it over to Will or no to you. [multiple speakers]

**Danny Davis:** I will just say, for those of you here, I appreciate you being here. I apologize for the temperature in this room. Our HVAC was offline until about an hour ago, so it's trying to catch up. But it is hopefully back working. So thank you for your patience and appreciate you being here even in the warm room. So.

**Bridge Littleton:** And I will say we actually did it on purpose to, you know, speed the meeting along, you know. [laughter]

**Will Moore:** Unfortunately, heat has the opposite effect of making people groggy as well, which slows things down sometimes. I'll give just a quick history. I'll try to keep this brief. I don't want to get too far into the details, but just as to what has been done so far. So it was really in earnest in late 2020 when Council expressed interest in addressing the scale character of redevelopment in our older residential neighborhoods. In January of 2021, Council gave direction to the staff and to the Commission through staff to prioritize review of the development regulations as it pertains to the R2 district. And to bring that back to Council. In the following months, which is roughly February to April of 2021, the Commission did a lot of detailed study during that time. They got into granular detail of newer construction, how high it was built, what size yards there were, all the kind of details that drive normal people crazy, but they spent a lot of time working on that. But they didn't just do this study in the vacuum in this room or happen to be in the old office, but they actually went out in the field, too, and looked in real life at examples of newer development, how it related in scale to older development that may have been right next door to it. So they spent a lot of time studying this based on their study and their feedback staff crafted a number of initial proposals for them to consider in addressing some of the concerns that had been stated. I gave them a lot of things to consider. They moved forward with initiating amendments to building height and side yard and establishing a relationship between those two, which was a really good step. A lot of the other recommendations I threw at them, they thought, and I think very wisely needed more study and shouldn't be initiated right away. So we didn't move forward with those just yet. But they did initiate those amendments to building height and side yards. Those recommendations that they initiated were adopted by Council into the ordinance in May. Again, this is 2021. Following that the town engaged with the Berkley group to do a really deep dive into some of the other proposals that staff had originally brought forward, but to also bring forward other ideas. They did a very detailed study. It involved benchmarking with other communities that may be similar in nature to the town. Most of those communities were within Virginia, because it's important that we look at communities that have the same enabling legislation, but they also looked outside of the state. They worked on that in late 2021 and published their final report in April of 2021, and they came back with what they called three levels of intervention, three things for us to kind of consider. One of those was introducing impervious coverage requirements to lots. So not only regulating the amount of area under roof that you can have on a lot in relation to its size, but also evaluating all other impervious areas. And that was in response to some larger homes that not only built with large footprints, but then proceeded to pave the majority of the yards with extensive patios, extensive wide driveways, things like that. The second level of intervention looked at possibly introducing a maximum lot size to prevent consolidation of two or more than two lots in order to create a mega sized lot on which a mega size home could be built. The level two interventions also consider reducing the current coverage requirements for area under roof that we have; also possibly introducing some required landscaping. And then the third level of

intervention that they recommended for consideration was Architectural Control Districts. So the Commission studied this report based on that, they chose to initiate a second amendment. This one included the level one intervention, which was the maximum impervious coverage requirements, and part of the level two, which was essentially creating a maximum lot size requirement. They amended it slightly so you could still have larger lots, but they would cap coverage requirements as though there was a maximum lot size. So essentially creating a maximum lot size. Again, they initiated that in May of 2022. And the Council adopted those recommended amendments in July of 2022. So that's where we are now with our current regulations. However, with some newer construction that has happened along the way during those amendment processes and subsequent again, about this time last year, Council expressed some ongoing concerns and they actually started a process they initiated amendment to further regulate some of these other things that had already been clamped down on a little bit. They sent that to the Commission for the study. The Commission had discussion over a couple of months. And rather than acting on that, as initially requested by Council, they sent a message back to Council requesting essentially this meeting. They said it would be helpful for them to sit down with you and to talk over what it is in person so they can get a better idea of what they should continue to act on. Staff brought that message back to Council. Instead of initially scheduling this meeting. It was decided through a number of discussions that would be best at this time to bring the community in on the discussions, to really get a better idea of what is the level of concern, how pervasive is the level of concern? Are we just hearing from a few folks that don't like what's going on, or is there a larger overall concern? So again, we contracted with the Berkley Group to conduct this community meeting. There was some planning of that, that took place in summer and fall of 2023 last year. And then that community meeting was conducted in October. So we have since received the report with the results of that community meeting, which kind of brings us to this point. And I will turn it over to the Town Manager now to go over the results of that report.

**Danny Davis:** All right. And thank you, Will, for that overview. Thank you Council and Commission Members. So what is in front of you and I will zoom in a bit on this is the report from the Berkley Group. I had the opportunity, I believe, to give Council and I know to the Planning Commission just a very, very quick kind of run through this. And so what I'd like to do right now is do a very similar run through. But this is also really for the benefit of the public who's here. Because I think it's important to go over that discussion and some of the results of the workshop. As Will mentioned, we had our workshop on October 16th, had approximately 56 members of the community there, and it was a sitting round tables where we had an opportunity to discuss with the community some various items going on. I think it's important if you see the highlighted verbiage here. The purpose of this was not to analyze specific zoning standards at this meeting. That gets a little challenging in an initial community discussion, but really to try to see if there's consensus around any concerns that the community are there still concerns about the development patterns and community patterns of construction happening around us or not? And so this workshop took the format of reviewing through some photographs if you were there. And I'll show that in a minute. Just for the sake of our review tonight as a reminder the R2 zoning districts cover predominantly the Ridgeview neighborhood which includes Stonewall Avenue, Lincoln Road, and also Chinn Lane. Now, most of the concerns have been in Ridgeview and a little bit on Lincoln Road. We haven't seen any changes recently on Chinn Lane, but they are under the same zoning category. Zoning district standards, I won't spend too much time on this. We'll talk more about this later. But zoning standards do affect things like height minimum and lot width or required yards. And as Will mentioned, some recent changes we added with lot coverage, impervious lot coverage. And then you can set various factors with these depending on the desires of the community and the Planning Commission and the Council. So I'm going to jump straight ahead to the structure. So as the community set around tables, they were presented with some photographs to provide input. And I know it felt maybe to those of you who were there uncertain why you were being asked to provide your input on various photographs and perhaps less about, you know, specific zoning standards. But what we realized is we got very valuable feedback from the community through this process, because we were able to gauge a lot of the sentiment through this exercise. So the first discussion brought forward this photograph here and asked the community, is this the kind of residential structure or what do you see in this photo that maybe is desirable or not desirable potential impacts on surrounding properties and the kind of summary results were that there is an interest in the diversity of styles in this photograph, but that the house on the left overwhelms, if you will, the house on the right. And that's what we get down to is scale. That's one of the terminologies you might hear a number of times in the report. Scale is how something relates to something else around it, and it might be scaled just in terms of, you know, the scale to a person standing on the street or a scale related to the community around it. There was also some initial impact or discussion about the garages, the front facing garages on this house on the left here. We then jump to example number two. Same question. And the results here. The participants were concerned maybe about what we would say, a cookie cutter style where the houses looked very similar to each other,

kind of manufactured, if you will, and also the fact that the homes were very close together. Not a lot of side yards between them which will continue to play out as we review this. This photo. Still not sure where we got this photo. [laughter] But as you can imagine generated a bit of input specifically, the very front facing garage stood out. The architectural style was not very desirable. It felt like even just looking at this without context around it, that there was a lot of height to this structure. And so, again, inputs on some design features and some zoning specific features. And then finally, example number four was more to be focused on setbacks from the sidewalk and the roadway. You'll see there's a home here in the back that's set fairly far back. And then one a little bit closer. And there was some, interest in the fact that there was variation here, variation in the setback from the sidewalk. Though it seemed to some to be a bit extreme. Others pointed out the landscaping, they thought that added to the view and the character. And then again similar to the other input, avoiding the cookie cutter feel and more having a diversity of kind of look and feel in the community. So there were then an opportunity, there was an opportunity for any additional inputs. At this point there was a fair amount of feedback about desiring greater regulation, about development taking place and protecting the historic charm of the town with diverse development types. Excuse me. So then we went into exercise two, which is similar but a little bit different in that in each option, the community was presented with three photographs to kind of compare to each other and provide their thoughts on. So in this case, you see you have some larger homes with wider yards, much larger homes. Here, more traditional neighborhood design, front porches, rear or side loaded garages. And then these would be more typical suburban homes on option three here. And the results out of this were that most agreed that option two with the traditional neighborhood design were more desirable of all these three alternatives. The others were more contemporary and definitely option one was too large. Option three, again, the idea of front loaded garages came out as a negative in this particular alternative. In example number two here again same question. Just a feedback on you know what is liked disliked kind of comparing these photographs together. There was feeling that the first picture, the homes were jammed too close together too tight on the second one, again a little bit of concern about the front loaded garages. It's definitely more of a kind of suburban feel to it. There was more preference for option three there was really no overall consensus on this overall question. There was the appreciation of the front yards and the absence of front facing garages. Speaking of front facing garages, we have these options that were then brought forward. Again, this one very much disliked for the predominant garage up front. This one not desired. Again, it has a very strong feature on the house of a garage. So there was more interest in option three here, which has a detached rear yard version of a garage where it's not along the front facade or plane of the structure. And again, people appreciated the traditional residential design of this option three here. And then finally this option was about setbacks and about any desire or interest. It's hard to get maybe a photo of setbacks. So we instead did an overhead plan view whereas option one, every house was exactly the same setback from the street. Option two had a little diversity and variation, and option three was a bit more severe in how far apart the setbacks were? There wasn't again, full consensus, except to say that options two and three were kind of more desirable. Maybe somewhere around a little variation with perhaps a bit more. And I will note this important point here, that there was much interest from the community about considering an Architectural Control District or an architectural review board. And again, Will will talk about some of the things that an Architectural Review Board would have authority over in terms of reviewing potential new construction. This is an important point that I'll sit on for a minute. We had a lot of comments that came back. We asked the groups to write their comments down, provide those in written format. Approximately a 2 to 1 margin, said that they want to see some kind of change happening to the current standards so that we would hopefully be able to mitigate some of the concerns and impacts of the construction happening in the R2 district. And so we take that as, again, not dictating perhaps what specific items should be addressed or how those would be addressed, but just from a strategic standpoint, to say there is interest from those who were at the community workshop to see some kind of change happening. Now that could take the place through various zoning specific items that might be height required yards might be lot coverage. And again, square footage Will will get into more of those details. There also could be some more of those design standards that would fall under an Architectural Control District. That would be perhaps a little more subjective in a manner for those who have worked with the Historic District Review Committee, it's seen as a similar potential type activity, but one that would cover the R2 zoning areas. And that would be a further conversation about the extent of that Architectural review district. So that's the overarching kind of result. Berkley Group's report proposes consideration of four options. The first, as would be appropriate in any report, is there can be a status quo, no changes. And we'll talk about that in a minute. Option two would be to look at the specific zoning standards in the zoning ordinance that would affect the district standards of R2 and consider additional restrictions on through those zoning standards. Option three would be focusing less on the specifics of the zoning district standards and adding in supplementary use standards, where we might have the ability to limit things such as garages on the front plane of a house, but require them perhaps set back from the front of the house, be side loaded or rear loaded. And then finally,

option 4 consideration of architectural review through the Town Council or the town's authority to have an Architectural Control District. And with that next steps we're kind of in the next step of the next steps, which is to meet together to have this conversation and discuss what through these options and what potential next steps might be. But I think I'd like to now turn it over to Will, who's going to walk through a quick slide about these specifically options two, three and four and kind of what each one of them can and cannot accomplish. And if this works. Did not work. All right, Will turn it back over to you.

**Will Moore:** Great. Thanks, Danny. So first column, you're looking at some of the main issues that we heard potential concerns about the remaining columns, think of those as options two, three and four that Danny just talked about. And this this is more or less correct it will tell you which of those different kind of interventions could affect those concerns. So the first concern being building height setbacks, lot coverage requirements, overall size of structure, those are things that we have regulations on already. Those things are already addressed, but they could be further tweaked. Maybe, the maximum height of the building comes down further. Maybe we require larger setbacks, than we currently do. Maybe we reduce the maximum percentage of a lot that you're building and other impervious areas could cover. So those could all be addressed through further amendments to existing zoning standards. You wouldn't be able to address those really with any supplemental regulations. But all of those could be also considered within an Architectural Control District, which, as you can see, kind of checks all the boxes potentially. The second potential issue garages and in particular the front loaded garages were a it's a repetitive concern that we've heard from people prior to the community meeting and throughout the community meetings that that was a really big one. We can't do that through adjusting existing zoning standards, but we could introduce other zoning regulations short of an Architectural Control District that could regulate that. It could prohibit front loaded garages, it could prohibit attached garages altogether. And it could also separately regulate detached garages, requiring it to be behind the rear plane of the building, for example, and not pushed up next to the front plane of the building. So those are all things that we could address through supplemental zoning regulations. The same with potential landscaping requirements additional regulations regarding fencing those could all be addressed. Again, still within the confines of the zoning ordinance. But if we wanted to go further than those, this is when we're talking about looking with actual compatibility with the neighborhoods. And now we're talking about things like massing, scale. And I was asked to define massing. I would do my best if I falter, I'll punt to Mr. Clites over there in the corner. Who's shaking his head no. [laughter] But if you think of our first issue, height setbacks those kind of things that gives you the box in which you can build. So your setbacks are the distance that you have to be back from or to think of it differently how close you can get to your property lines. So that gives you a box on the ground and your height gives you the top. So you can put a cube there. Now if you filled that cube and it's literally a cube, it's going to be an ugly building. You know, this is a skyscraper type shape building or a multi-story flat roof, apartment building type shape. Massing is more how you arrange the elements of the building within that cube. So if you have a pitched roof, then you have the absence of things around that pitched roof it has to do with how far out you come with the building. You might give relief to the building in place. And so it's how you're filling up that cube is your massing. If you fill it all the way up, that's a big mass. But you may choose to work within that. But an Architectural Control District, unlike a zoning district standards, can then review how that massing takes place. Right now, there's nothing that would stop somebody if they wanted to from building a flat roof building in Ridgefield. There doesn't seem to be any appetite for that, thank goodness. But it could potentially happen. Scale, as Danny talked about earlier, has to do with how the building interacts with things around it. So one building might be okay in one setting, but if it's next to two small ranch houses on either side, maybe, it's not in scale. If you go all the way to the maximum allowable height all the way to the maximum allowable spread. So an Architectural Control District could help you regulate those. And then the architectural design features, which is the last element. This is starting to get into the details of which windows are you choosing. What pitch is the roof? Do you have decorative details above your window casings, things like that. So it's really getting into a granular level at that point. Again, that's not something that we would regulate through normal zoning district standards. It would require an architectural review district to look at those kind of elements. So we hope this is, it's not completely correct in all facets, but it's a really good guide to, I think, give you an idea of what can be accomplished with certain levels of amendments to our ordinance, additions to our ordinance, and what if you were interested in further regulating would require the implementation of the Architectural Control District. And just one last thing on Architectural Control Districts while we're there. We are the town is enabled to establish Architectural Control Districts outside of our Historic District. This is not universal throughout Virginia. The town received approval of the General Assembly of Virginia in 2012 to an amendment to our charter that allows for this. So because of that amendment to our charter, we are allowed to consider implementation of Architectural Control Districts outside of our Historic District. One thing we cannot regulate,

as that charter is currently worded is demolition. So unlike in the Historic District where you have to get approval for demolition of a structure, even if we were to implement an Architectural Control District, we could not regulate whether or not an existing structure could be demolished. We could only regulate what might go back in its place or go in place on an infill lot.

**Danny Davis:** So, Mr. Mayor, as we turn this back over to you, I'd like to just maybe draw our attention back to the memo that we prepared for this. Because I think it's important to kind of go back to the Town Council's recent conversations about this. The Council held its strategic planning retreat in early April and continued kind of the conversation about what are its strategic goals for the next 18 months to 24 months. And we spent some time talking through this particular issue of what's been happening in the Ridgeview area protecting our community and what would be not just it wasn't focused on interventions as much as it was what are the underlying concerns with what we see happening around us? And we know that there are concerns about esthetics and what it looks like, but that almost takes a secondary standpoint to the fact that each time a smaller home is removed and demolished, you've lost an opportunity for something that's at least somewhat more attainable and more affordable than what is most likely being put in its place. And so when we're seeing a shortage and a challenge of having attainable and affordable housing in our community, each time one is torn down and something built in its place is a loss of opportunity there. And second of all a lot of the conversation at the strategic planning retreat was about who are we as a community and who are we as those who live here and interact and engage here. And while we don't control who buys homes and who lives here, we do know that the tradition of Middleburg is people who are engaged in their communities. They care about their communities, they get involved. And we hope that we can encourage development patterns and types that would continue to bring people to our community who are engaged, involved and really invested in their communities. And so those are some underlying kind of thoughts about why continuing to look at this as a community issue and concern remains a strategic priority of the Town Council, which is, again, further reflected in the comprehensive plan that talks about a variety of these things. So with that, Mr. Mayor, that's kind of our brief, I should say brief overview. But we'll turn it back over to you.

**Bridge Littleton:** Okay. All right. Great. Thank you. Danny, Will, thanks. I really do really appreciate it. So I think now, you know, what we want to do is really just have a discussion with the Planning Commission on, I think at the front end of this, not so much about the report itself, but what the report told us, what we've been hearing from the community. You know, you guys probably have questions on what we discussed in the strategic offsite. And, you know, the things that are going on with a lot of the redevelopment that's happening. So I think we want to open that up for discussion, see where everybody is. One thing I want to mention and I'm going to say this and Danny's going to laugh. The second piece of that is we want to look at what the next steps are. Right. So any one of these next steps is always it's preordained by state code. The town when it's or the Council when it's ready, would initiate a zoning ordinance amendment. We would put together what that looks like. We would send it to Planning Commission. You guys would do your work, make a recommendation or make a recommendation of no. Right. And then it comes back to us for us to take the next steps. One thing we don't want to do tonight is start solutioning. It's always fun and exciting to you know, I know the answer. I've got the solution. That's what's going to come out of all the brain work that goes on after the detailed review and, you know, looking at the report and doing everything. So you know, we've all been at the planning stuff a while now, so it's fun to go there. Because we all want to solve problems, but we, you know, we've got the three recommendations from Berkley. I think Council agrees that's our starting point of what we would want to present to you guys. Doesn't have to be we're going to have some more conversation on it. But, yeah, we want to definitely want to avoid, like, you know, well, I think we should, you know, ban blue doors, you know we want to sway away from that. That'll be at each individual group. So on the first part and like I said, I'll moderate you know, overall you know, any feedback from anybody on you know, the feedback from the community, the sentiment from the community where people are, you know, in terms of looking at these concerns. And I see Mr. Woodruff is chomping at the bit. [laughter]

**Don Woodruff:** Thank you, Mr. Mayor. One of the issues, as I read over this, and as I've listened, thank you for a very good synopsis, Danny and Will, as always, is how much control should we have over how somebody builds their house. And does that extend does that control extend to Architectural design. And personally it concerns me. And it's concerned a couple of people who have spoken to me about how much control we should have over an individual's design, as long as it meets, excuse me basic standards that may be set by the Town Council with the Planning Commission's input. Thank you.

**Bridge Littleton:** Sure. Hang on Ed. I mean, Don I mean, everybody else can jump in on this, but I think the answer to that question is, as much as we have authority in state code. I mean, in the HDRC, we regulate the color of someone's fence. You know, I'm not saying that that's where we want to go here. And I'm not saying that that's what is on the table or is an option, but I think it's and again, anybody can jump in here. I think it's our responsibility to hear the voice of the community and go as far as we need to go to address those concerns. And you look at those numbers of the comments, it was 69% was basically seven out of ten citizens said, we don't like the path we're on. We need to do something. And now not again, saying this is the right solution because a lot of people don't know the details, but a lot of people were in favor of an Architectural Control District. Again, I'm not saying that's the right solution, but that's a heavy handed thing that a lot of people thought had merit. So it's a big question. And you're I think your question is what's the appropriate role of government.

**Don Woodruff:** What's the appropriate balance?

**Bridge Littleton:** Right. Yeah. And I think that's where we'll come out of all this. Ed.

**Ed Fleischman:** Thank you, Mr. Mayor. I think you had some really good points in your opening remarks. And one of the points that you made is we want to get it right. So I think that there are a lot of different options, and I think that we should go slowly to make sure that we get it right. Now, maybe we can go faster, but it has to be right. And one of the things that I looked at, I attended the public meeting with the Berkley group. And I heard a lot of different views. Some people felt there should be more restrictions. Other people might be free market people that wanted to allow people to build or change their home as they saw fit within the current zoning. But I don't think there was a consensus. And I think your terminology throughout this meeting where you say that the community wants this, I don't think that we really know that. At the Berkley Group meeting there were a number of people who were resident not within the town of Middleburg, and I think we should consider those opinions, but I think the townspeople should weigh more. And the other thing I saw at the meeting, there are a lot of people who did not live in Ridgeview, and also we should consider their opinions. But I think that the people in Ridgeview, we really should find out exactly how they feel, and whether that's a meeting or a poll. I think it would be really good to have a specific questionnaire on the owners of Middleburg Ridgeview Properties, and we can move out. I know when I speak to people in Ridgeview where I live, there are a lot of other problems in Ridgeview besides just the size of a couple of new houses. We don't have storm sewers.

**Bridge Littleton:** Which Ed is not the focus of this conversation. It's not. We're here to talk about zoning. We're not here to talk about VDOT putting in storm sewers.

**Ed Fleischman:** No, what I'm just saying is, there are a lot of different views and a lot of different things that we could spend money on. So but I think that it would be good to get some kind of survey just on the Ridgeview people to find out how they feel. I think that would be important. Thank you.

**Bridge Littleton:** So here's what I'm going to say. And then I'm, you know, I'm sure Bud and Cindy have some that's what we did. We're not doing that. We've done it. That's what the Berkley Group work was about. These survey you could survey to death. You could data mine to death forever. And, you know, all of us are the elected body. I have probably been to two dozen homes in Ridgeview and had 30 to hour long minute conversations with people who are deathly concerned. Right. So we've been hearing about this for years. Berkley gave us it's directional, but it's not like the survey results or the comment results were 51-49. It was 70% of the people in that room felt it was the wrong direction. I appreciate your point that a lot of folks maybe didn't live in town, but you know who what? There was also a dozen developers there who influenced those numbers as well. So there was a lot of people who don't live here who have a big moneyed interest in not seeing anything done. Who's in, I think you were at their table who views were captured. Right. And so we could survey this to death. But I think it's pretty clear and convincing. You know, we're the ones who are zoning experts. We got to move out. So and I and I think that's what came out of our. So I appreciate the point. We could study to death but it's time to move. So and that's where Council is and that's where we're going. So Cindy I think you had something you wanted to add.

**Cindy Pearson:** It's just a quick comment that also we include Lincoln Road and Chinn Lane with everything Ridgeview. They're all in the same district.

**John Kevin Daly:** Testing. Okay. It's on Ed I appreciate what you said. I personally don't like hearing, especially on Middleburg uncensored. People who don't even live in Middleburg saying what Middleburg should be or isn't. I do disagree on one area. This is not a huge town I consider, even though I'm on the east side on Marshall and North J Street. I live in Middleburg. I walk through Ridgeway [off mic] Ridgeview, I go through Salamander. You're all our neighbors. We're all one. This is Middleburg and it's a walkable town. And it's we're all part and parcel of it. So thinking that, oh, I'm from Ridgeview, therefore I don't want the folks over in the townhomes over on the east side telling me how I should paint my home. No, we need to look at ourselves as we are Middleburg.

**Pam Curran:** I used to go to the Planning Commission and say exactly what you said about property rights and what I wanted to do, but, you know, I went to the meeting and I sat with all Ridgeview residents that were my neighbors we were all there. And I think everything changed when we started to see that tear downs and the huge, you know, homes that are being built that destroy the character of what we want to see. So I was delighted to see how much work Berkley and also Will have done for us and best practices with the Architectural Review boards. And then also, I know we're not solving, but there are so many other really, you know, Charlottesville really, you know, fabulous places that really have gotten the best practices and the best of both worlds with zoning and also, you know, really Architectural Review, some of it is a handbook, and some of it is residents that really have expertise that I think it gives us a lot to work with. But I think Ridgeview residents that I know and I know a lot of them are really concerned about what's going on with the developers coming into town, not so much the improvements of what we want to do. So I would just say a lot of them were we were there, a lot of us were there.

**Chris Bernard:** Yeah. And I guess to go kind of back to what Don said, it is tricky because you are dealing with people's personal property rights and it's kind of the tough role we're in. But we have to balance that with community property rights, right? So if my neighbor builds something horrible in his yard, it's going to affect me. So I think Bridges point to look the state code outlines what we're allowed to do. I don't think we need to go to the max on that, but in my day job as a commercial real estate agent, I deal in, you know, small municipalities all over northern Virginia and outside that, and people look at Middleburg as, like, a really beautiful place. Right. And you do hear bellyaching from building owners that say, oh, I have to go apply for X, Y, and Z to get X, Y, and Z in our Historic District. But at the end of the day, I think almost everyone agrees in principle that it is what makes our town beautiful. And if there's something that we can do that to extrapolate that to our residential areas, I think we should certainly look at it.

**Peter Leonard-Morgan:** Hello. Hello. Okay. Hello? Hello. To Don's point earlier, I think many people here know that I'm concerned about property rights as well. But I think what the word that Chris used earlier was balance. And I think that we're not saying you can't demolish a house that really has seen its day, it's demolishing it and building something that is in balance with the community. And it can be bigger than what was there. And we have an ordinance, we have a zoning code, but I don't think it should be outrageous. We've seen other communities in different parts of Northern Virginia where it's completely ridiculous. You see a tiny little house next to a massive mansion with no side yards. That's obviously what we're trying to avoid. And I think the Planning Commission has done a really great job to start getting there, and we just need to find where the limit is, where what is going to satisfy everyone in terms of keeping Middleburg's character and its beauty, but also allowing owners to retain their property rights. And when they come to sell it, they won't have lost value because of a Town Council and Planning Commission has gone too far. That's not what we want to do. I think it's really important to have the balance.

**Dev Roszel:** It's on. Good. I would agree with what a lot of you have said. I think it's very important from the Planning Commission's perspective to make sure that the zoning is in the right spot. When you go to talk about people's property rights. If someone owns a house, I'm going to jump around a little bit here because I feel like there's several things that are involved. You know, being able to sell your piece of property, your house and make a profit on it. Many people, that's where their retirement money is. That's where they have invested all of their savings. So we have to be very careful when we make these zoning ordinances and these rules that it doesn't affect that. And we made a comment earlier and I really believe that it needs to be broken out. Somebody talked about affordable housing, and you and I have had this conversation. I don't think that we could put that in the same bucket when we talk about the houses in Ridgeview or anywhere else, because affordable housing, from my perspective in this town is virtually nonexistent. You can't say that you can't tear your house down because somebody could buy it for a lot less. Well, that defeats the purpose of what

somebody who buys a house 60 years ago, and now is getting ready to retire and says, oh, I've got this house, I want to sell it. Chinn Lane, some of us live on Chinn Lane if I'm told, well, you know, you can't sell it to somebody. I think having the right zoning in place so that when I do sell it they have to put something in that is compatible with what's there in the rest of the village, either in Chinn Lane or Ridgeview or what have you. So I think that to me is important because tearing something down or saying that it's an affordable house, you can't tear it down. So we have to separate that, I think, from this whole conversation. Controlling what somebody can do is I also think is very problematic. So this piece is going to require us to really, really pay attention to how we say what it is we want to do because, you know, words mean a lot. And if you say something and somebody thinks, oh, well, that's going to go against it. I think people in Ridgeview are for having some sort of I think many people are for having some guidelines to what they can do with their property. I mean, let's face it, we all we want to have a nice area. I think everybody agrees with that. But I think a lot of people have different views on what they believe is right for their property. So we have to really pay attention to those things. I want to see the affordable housing, things, you know, not discussed in this, because that's not where we should be going from my perspective, controlling what somebody can do, I think is also problematic. It really relies. It really rests from a Planning Commission standpoint, is getting what everybody says, getting it right. It's going to take a lot more work. It's going to take a lot. Not everybody's going to be happy. We're not. You can't please all the people all the time, but you can do something that is going to be consistent throughout the Town of Middleburg. And that's where we as a Planning Commission can present to the Town Council what we think is really the best thing for the whole, not for every individual, because not everybody's going to agree with it. So it's going to require me learning how to work this thing. [laughter] The battery. [multiple speakers] That's okay. [multiple speakers] I said everything that I need to say. Okay Thank you.

**Bridge Littleton:** It's weird. Rhonda just charged them. Yeah. That one died. Oh well. Yeah.

**Pam Curran:** It's the heat.

**Bridge Littleton:** Yeah. That's the battery. So Dev I think I'll, let me unpack a little bit of that because I think, you know, what you outlined is really important. So in one of these conversations I always go back to first principles. Right. So what does our Comp Plan say. Right. What did you guys write in the Comp Plan. Right. So that's what all zoning derives from. And the conversation that we're having here is, you know, around a lot of very big policy issues that you told us and that we agreed were very important. Affordable housing is part of that policy. So saying and part of the Comp Plan and part of the one of the things that we have said as our community values is very important that we need to look at. Let's be honest, Ridgeview is half the housing. Right. The only place and there's nowhere to grow in town. So the only place you're really going to find housing stock, which has any modicum of being affordable, is Ridgeview. And part of the reason the Council is interested in doing this is because our Comp Plan says affordable housing is very important. So it is an issue that we're going to send to you guys that you need to be considering as the advisory board in what we're putting forward. Right, because our Comp Plan says it. So hold on. Now you may come up with a different approach, but it's going to be on the list of things we're asking you guys to review. So I mean, again, it's in our Comp Plan when we see 400 and $500,000 homes, which, believe it or not, actually, when you look at salaries and stuff like that for a firefighter and a teacher, they can actually afford that. When you see that torn down and replaced with a six bedroom, five bath, 5000 square foot, $2.1 million dollar home, forget it. And here's the bad part it's lost forever, right? You don't just lose it on one sale, you lose it forever. Right? And I think where the concern is, you see the development trend and what is it, 8 or 9 tear down and rebuilds of the exact same house in Ridgeview in the last 18 months, we almost have a full square block, which has now totally been torn down and rebuilt where Bundles lives. I mean, there's two more getting torn down in the next couple of months, right? Two of the 8 or 9 houses on that square are gone in the next couple of months. So this is a, you know, acute problem in front of us today here and now. And if we don't do something, what we see now is what will what most of Ridgeview will be 20 or 30 years from now because the developer won't stop. And I'm not trying to make developers as bad people. They're here to make a profit. Right. That is their concern. And they're not breaking the law. They're not violating zoning. They're not doing anything wrong. But theirs is a profit motive. As elected officials, as an appointed body, our responsibility is to temper that to the wills hopes, dreams, desires of the community, but not the community just today, it's the community forever, right? So if you look at that person who's got that house, that's their savings. We also have to measure that against what will Middleburg look like 100 years from now if 90% of our homes are 3 to $4 million dollars or more? The fabric of the community you see here is gone. It's gone. Everybody who lives here is going to have to be multi-millionaires to afford to live here. And what makes this community as special

as it is the diversity of backgrounds, education, work history, socioeconomic standing. That is what makes this place special. That is why we all live here. And you priced it out for everybody but the top 2%. This is where now Kiawah Island. And that's not that's not where I want to be. And that's not what I want to hand on to the next generation. And I think that's where so many of the concerns are coming from the people who live here. They understand the impact that they may have a hit to some of their value, but they're willing and they want to do it because this place is so special. They want to hand it to the next generation. And I mean, I know I'm speaking out of turn for everybody, but, you know, you can feel it. You really can feel it. So Bud I know you had a comment you want to make.

**Bud Jacobs:** Well, you were going on so eloquently. [laughter]

**Bridge Littleton:** Wait till my battery runs out.

**Bud Jacobs:** I fell asleep, actually. [laughter]

**Bridge Littleton:** Love you too.

**Bud Jacobs:** I agree with Dev's concern about focusing or using the terminology affordable housing. As we discuss all this. Maybe it's the wrong term and the comprehensive plan, actually, although it does mention affordable housing tried to work around the issue by focusing on the provision of quality housing for an ever wider range of residents. So I think that's what we're really talking about here. There's no way that even an extant Ridgeview House today and lot size is going to meet a HUD standard for affordable housing. It's already officially not affordable housing. So I agree with you, Dev. Let's take that out of our lexicon and focus on what's in the plan, which is defending the ability of a wider range of people to buy and live in Middleburg while doing the best we can to preserve the property rights of the folks who are already here. And that, in fact, is the problem. And that's why it's so damn hard to do. The second point I'd like to make was in response to Ed's concerns which I broadly share, but I don't think Ed we're in a position to do more studies. We have what we have. The data set that's been developed is it's certainly not perfect, but it's defensible. And I spend a lot of time in North Arlington where the horse years ago was let out of the barn. And, gosh, I don't want us to end up like North Arlington. And I at least feel some urgency that we move ahead and begin to address these concerns. It would also make future Planning Commission meetings a lot better if we didn't have to spend so much time on this stuff. To that end, I'm not a big fan of the Architectural Control District because it's going to take so long to implement, and I hope that either the Planning Commission or Town Council can come up with achievable steps to take. I'm focusing on recommendations two and three to sort of get us further down the road than we are right now, because we are at the rate of tear downs and development, we're at pretty grave risk already, it seems to me. [applause]

**Bridge Littleton:** [off mic] Hang on. Yeah, Danny, go ahead.

**Danny Davis:** I think it's also just for a reminder for us and for the public that any changes that could be coming forward in these conversations are zoning ordinance changes in some fashion or another, which are subject to the public process, public review, public input and ultimately public hearings. And so, you know, what we would encourage the community to do is make sure that whether it's general comments that you might have and you'd like to share those with us, you're more than welcome to email us directly or come to any Planning Commission or Council meeting and speak at public comment or during the formal process itself, as the various groups are. Oh, yes.

**Bridge Littleton:** You said come to public comment and I stared at Megan. [laughter]

**Danny Davis:** Yes.

**Bridge Littleton:** That's right.

**Danny Davis:** Or during the formal process itself, you know, to weigh in on what proposals are being presented to the various bodies because those materials are presented ahead of time. They're available here at the town hall or online. And then there are specific public comment and or public hearing times to provide that input. And so we do encourage the community to respond in that way. And that is helpful to us.

**Bridge Littleton:** And I'll add to that, you know, I'm on the Zoning Ordinance Committee for the county. And I mean, at any zoning hearing, I mean, you will have 100 to 200, depending on what it is. You'll have 100 to 200 people show up and really provide their comment. And I would say everybody in the community, if you want to chat with them, you know, if you would like to meet with the Planning Commissioner, meet with the Planning Commissioner, do you want to meet with a Member of Council, meet with a Member of Council. That is totally appropriate. That's actually the role of good citizenry is to engage with your elected and appointed officials to provide your input. And I know, you know, I've sat with many of you and, you know, talked about this issue, but it's a good thing. I mean, public engagement is how, you know, we hear directly and it's not just a tick box and a survey, really it's a conversation. Those conversations are good. Yeah. Chris.

**Chris Bernard:** Yeah. Just on the affordable housing thing I don't think any of us are under the delusion that we're going to be creating affordable housing in Ridgeview. I think it's more I think we should be framing this about not allowing all of the houses in Ridgeview to become grossly unaffordable. And to Bridges point, everyone that gets and this is about urgency, right? Every one that gets taken down and rebuilt. I mean, you can't ever look at a 5,000 square foot house and think that it's going to be $500,000 in Loudoun County. So to Bud's point, I think we need to get on it. And then I guess one little thing about kind of the property rights and taking away someone's retirement and their property values. I think, you know, when you buy a house, you expect some amount of appreciation over time. And I don't think that anything we're suggesting would take away from that. You'll still be able to sell your house for whatever the, you know, the value of the inflation, or appreciation of the market. But, you know, I don't think anyone who bought that house ten years ago, 20, 30, 40, 50 years ago was expecting it to go for what it could go for if it's going to be a tear down. So yeah, I guess that's it.

**Bridge Littleton:** And I mean, I will say anecdotally, I talked to a couple of appraisers and who have done a lot of appraisals in Middleburg. And again, this is just, you know, this is a streaming data point, right? So in some areas when you change zoning depending on where you are, like if you're in a downtown city and its they could do a high rise and now you change it, that they can only do ten stories, that evaporates property value. Right? I don't think anybody on Council is suggesting that what someone currently has, if they tore it down and rebuilt it, they could rebuild something less. So the appraisers point was that really shouldn't materially affect the value, because the person who's buying it is buying what's there. So like when Jane James's house sold, you know, it sold for 650 or whatever it was. Right. And that's what it was worth. It wasn't worth a million because it could be torn down and a five bedroom, you know, so the intrinsic development. Right. It's not like a subdivision.

**Chris Bernard:** The big profit delta goes to the builder.

**Bridge Littleton:** What's that?

**Chris Bernard:** The big profit delta goes to the builder.

**Bridge Littleton:** Right. Exactly, exactly. And that's why the builder. That's why the business model works for the builder. Because he's buying it what it's currently worth in the market, he's going to build add his 20 or 30% and then pocket the difference. Mimi, Rachel. Anything?

**Mimi Stein:** Not yet.

**Rachel Minchew:** [inaudible] looking at. And I did have asked Will to pull all the new houses that have gone through the neighborhoods in the past, you know, five, six years. And to see the difference of the zoning that we have now on the books and the difference that it has made and it has made a difference, is it enough? No. Clearly we all, I think, can agree that it's not enough. But I think to Bud and to most everybody on ours, time's ticking. I mean, it's going to happen before we get anything done. And so I think it's key to build on what we've already started on. Looking at the heights, the yards, clearly front load garages that can take a lot of issues out the door. So I think we have a lot of good information. I think it's just time to start acting and letting us do what we need to do as a Planning Commission without being influenced on.

You know, I really have a hard time with the affordable housing. That's really not my bandwidth right now with this. I don't think that that's where we are. I think it's the zoning.

**Bridge Littleton:** Yeah. No. And I think the way I see it versus the way I think Bud captured exactly right. I think that's much better way, you know, the AMI and all that, forget that. But that starter family who's making a decent wage, can they afford to make Middleburg their home for the next 50 years?

**Rachel Minchew:** Well and that, again, is not necessarily yes, we want to be able to have homes for that, but that's everywhere. Exactly. So we want to have affordable housing. Maybe that's something, as the town looks at that, we and we are fortunate that we do have, you know, housing that's subsidized for families. And maybe that is something that the town looks at as a separate decision.

**Bridge Littleton:** Don, you had a question?

**Don Woodruff:** Yeah. Yes. Looking at page 11 again and the Berkley's report on what we have done, considerable amount, I would note, level three interventions, proposed architectural design standards to address issues such as styling and massing. I think that's the only question that I have is how far do you go with that? And landscaping? I know we have had issues in the past, such as the building down on the corner of federal and whatever it is going out with regard to trees being replaced. So the canopies were there. But it's a very tricky area to me. When you start talking about trees and landscaping as part of the Architectural Design Review, and that could be an issue that people find offensive.

**Bridge Littleton:** No, I mean, you're right. It's hard stuff because all trees eventually die, you know, and you got to do something about it. So again, I don't think we know the answer, but we want to make sure we put together. I'm curious if Council feels this way. I think the Berkley Group gave us a good starting point. I think they gave us a good starting line of some real, measurable things that could make an impact. We got to figure out what we want to bundle together and send to you guys for your review and your input. And again, I mean, this is on the agenda for the Council meeting on Thursday. So, you know, our goal really is to get this to you guys quickly.

**Will Moore:** I think it's on?

**Mimi Stein:** Okay. Hello?

**Speaker13:** Yes, it's on.

**Mimi Stein:** Okay. I'm just going to make one more quick comment on the affordable housing. I think when we worked it into the Comp Plan, we were just hoping that when there was an opportunity we would, you know, support an affordable housing option like we did with the rental property that we approved. It wasn't so much that we would worry about the existing homes and tear downs and build ups that those were going to somehow turn into something affordable. And we were also hoping for Federal Street to blossom into something different. But anyway, that was thank you.

**Bridge Littleton:** So, I mean, the next thing we wanted to cover with everybody and not going there yet, but I mean, was sort of what the next steps look like. But before we go there, does anybody have any other input feedback? I mean, I think it's been a really good discussion. Yeah. Go ahead.

**Peter Leonard-Morgan:** So, Mr. Mayor, you said that the Berkley Group did a good start, and I agree with that. But I actually think the Planning Commission did a great start. And then they built on that. And now we're at sort of stage three perhaps where we, we the big we, has to find that correct balance that seemingly everyone here or most people here want us to go and find and reign in even more what can be done but allow an owner of a home to do some changes. Make some changes. I think the impermeable, Will it's called?

**Bridge Littleton:** Impervious.

**Peter Leonard-Morgan:** Impervious. That's wonderful. I mean, that is fantastic. You know, we've done that. I have to say the front garage, it's going to be a really hard for a builder to build that on a small lot, but it's a great point. I think a lot of people mentioned that. I think that's something we really should look at and try and find a way to solve that issue.

**Bridge Littleton:** You know, it's kind of funny. It's like we've seen what's happened over the last 18 months to two years, and it's been one thing and it's been big in our face. And I think everybody says, I don't want no more of that. You know, I think it's clear we know exactly what we don't want. Or worse, the question is how much further to the middle do we have to go from where we are? You know, over here. And that's the sticky part that we're trying to figure out. I will say, and I told this to Will when you guys did your first inputs and review and the recommendation that you all came up around a total lot coverage ratio with impervious, I thought that was great. I was like, okay, that makes a lot of sense because it's not just the roof, it's your garage, it's your massive patio. It's the paving your driveway. Right. And it has all these other impacts stormwater runoff, [inaudible] you know, it has all these other impacts. But it's also like, do we just want no grass? So I mean, I thought when you guys brought that forward, I thought that was a really creative, innovative way to look at addressing this. And I had never thought of it. So I thought, I mean, that was like a great starting point.

**Dev Roszel:** Yeah. I agree, I do think that the Planning Commission spent a lot of time. I think we have a good footprint that is in place. Did we consider the rebuilds having front load garages? No we didn't. So I mean that I think our footprint was sent out I because I was one of the ones that when it came back to us, it was like, wait a minute, we haven't even seen if this works. So we need to give it some time to develop these, new restrictions that we put into it. So I think we have a very good footprint. Does it need to be tweaked for those things? Yes, absolutely. But I don't think we need to go at it and redo, you know, change a whole lot of it. I mean, I think it's a good plan that we put together. We do need to tweak it, and we do need to do it sooner rather than later, because the longer we wait, the more houses are built.

**Bridge Littleton:** The thing I would add is I don't think I would characterize it as tweaks. I think there needs to be substantial input, because if you go and look at the two homes that are built side by side on Blue Ridge next to Bundles, those were before you guys put your regulation, your changes in, then go look at the two on Sycamore that are side by side that's after. James Jane's house is after on Stonewall. I think though, the ones that have gone up even after you is actually what has been heightening the concern even more, because there's so many. So, you know, those are, I think it's going to take more than a tweak. Is it Architectural Review Board? Probably not. You know. But who knows? I mean, we don't want a solution here. But yeah.

**Dev Roszel:** I think that okay, tweaking may have been not the right.

**Peter Leonard-Morgan:** How big is the tweak.

**Dev Roszel:** Yeah. Well you know [inaudible]. Yeah I think the foundation is good. Yes.

**Bridge Littleton:** Yeah.

**Dev Roszel:** And so we don't. [multiple speakers]

**Bridge Littleton:** Build on it.

**Dev Roszel:** Yes. That's when I say tweaking I'm just saying I don't think we should change what our base is. We need to.

**Bridge Littleton:** Make it stronger.

**Dev Roszel:** To make it stronger. Yeah.

**Cindy Pearson:** It is on. And also, I think it's great that we go ahead and take care of the number two and three like you were discussing first. And then after we do that. I mean, I know this is something that will help right now. If we then find that we need the architectural design, then you do it.

**Bridge Littleton:** Yeah.

**Cindy Pearson:** So I think we need to take care of things now. So the big part gets addressed.

**Bridge Littleton:** It's a great point. It could be iterative. So on this first part, any other last feedback and I can barely feel the cool air starting to permeate the room. Okay. So. [multiple speakers] Yeah, exactly. I'm putting my. Oh, sorry, Mimi.

**Mimi Stein:** One more quick comment. On the Architectural Review Board, when we first heard about it, kind of all winced. It seemed like overkill. But I was just thinking, when we talking about the garages and the rest of it, it's possible if we had a board, they wouldn't have to address a million different details. It could be some just basic design features that would have to be in conformation. So it doesn't need a. [multiple speakers].

**Bridge Littleton:** Doesn't need a book this thick.

**Mimi Stein:** No, it doesn't have to be like the Historical Review Committee, which, you know, the color of your house and everything else under the sun. Yeah, it could just be some overarching things that are very important. Okay, thanks.

**Bridge Littleton:** No, it's a great point. Right. And we got to find out what that takes. So from a next steps perspective you know, Council's job is I mean, we've got to put together what the zoning text amendment looks like, and we got to discuss it, and then we've got to send it down to you guys. That's the initiating as the official initiating action. We've got this on our agenda at the next meeting and every meeting until we get it done and can send it to you guys. I'm looking at Will, and I'm looking at Danny, and I think we want to try to get this to you guys in the next month to six weeks would be a good, could be a good goal recognizing there's a lot.

**Danny Davis:** I think Will and you and I can talk about it because. [laughter]

**Bridge Littleton:** That's a no.

**Danny Davis:** Because I think if, Will has done a lot of pre-work on a lot of these things already.

**Bridge Littleton:** Yeah.

**Danny Davis:** Which is good. I mean, they're kind of in the back pocket, but is six weeks doable? Potentially. It depends on the extent of the recommendations and the direction of the Council and how extensive that might be in a potential intent to amend the zoning ordinance, because from what I've heard, and I believe is what I've heard is that the Council intends to forward its proposed changes to the Planning Commission, which means they need to be relatively.

**Bridge Littleton:** Well formed.

**Danny Davis:** Well formed. Yeah. So I don't want to shortchange that process.

**Bridge Littleton:** Yeah, I gotcha. Bud, yeah.

**Bud Jacobs:** If I could add to your workload [laughter] I'd like to get a whole lot smarter than I currently am about the What is it, the Architectural Control District? I don't I honestly don't really know anything about it. And I would like to know what the ins and outs are. Is it really 18 months to two years to set it up, you know, some kind of a deep dive on that would be really helpful if you guys could do that.

**Will Moore:** So it's not a deep dive. Yeah, it's a very shallow dive. But the quick answer is it really that long. The answer is yes because it is not only developing district guidelines, which to Commissioner Stein's point, don't necessarily need to be extremely detailed, but they may be extremely detailed. But it also includes rezoning of every single parcel that you

want to be regulated by that because that's what you're establishing, an overlay zoning district. So you have to go through a rezoning process to do that. So it is a time intensive and labor intensive.

**Bridge Littleton:** So let's do it this way. Let's set as a marker. Right. And we can sit down and come up with a work plan. Two months to be able to have what our first cut of maybe two and three are to be able to then send down to the Commission and, you know, the Council's all in agreement with. And look, if stuff happens, we got to add two weeks. We can do it right. But we got to have a goal to march towards. I think everybody agrees this is a exigent, you know situation that we want to move quickly on. So I think that's a good starting place. On the so Will, I would say on the Architectural Review Board let's understand what it takes. And it could be something that we do two and three or some hybrid or whatever sent to you guys. And then we're working on that on the sideline. And when it's ready it's ready. You know. But we're doing the other things first. And by the time we get as smart as we can be on it, we may decide, yeah, you know, it's not worth the hassle. But I think to Bud's point, we would all benefit from really understanding the ins and outs. What's it take? I mean, I remember you told me that it requires a rezoning, which is administrative, just to make sure everybody's in the district, but it requires that process. So what does that look like? What does it take? You know, all that kind of stuff. So I think it would be helpful for Council to get smart on what that actually means. And again, we don't have to do it, but I would not want to discount it because I didn't know all the facts. So. Yeah. So that's our goal. Yeah.

**Don Woodruff:** It's our information. As we go forward with our next meeting. It sounds like you won't have anything until July.

**Bridge Littleton:** End of May. End of July? Yeah. Let's say 1st of August. Yeah.

**Don Woodruff:** Yeah, 1st of August. I was going to say August sounded like a much. The meetings in August sounded like a much more realizable goal. And as we do that, though, I think having Will's input on where we stand with regard to what the Berkley group saw in their intervention one and intervention two, how much farther do you think we can reasonably go? Because that reasonableness has to be a factor in this.

**Bridge Littleton:** Well, so let me recommend that when you guys get back together, you'll, you know, appoint a Chair who will set the agenda, but maybe Will put a standing item, you know, 15 minute review with you guys at each one of your meetings of where we are, what the status is. Do you want to see draft stuff? You know, that way when we do send it to you all, it's not just, oh, here's this big packet. Let me start. You can ingest as we do. Yeah. Any other thoughts? Oh. Our. No. I want to make sure I remember this correctly. We had a. I'm going to probably get it wrong. I think we had a goal to try to be able to put stuff in place by the end of the year. Now, if it's an Architectural Review Board that ain't in the cards right. But the goal is we would send this to you guys, you'd have it in August. You'd have, you know, two months to do your work. If you need special meetings, have special meetings, put your inputs and recommendations, send it back to us. And then we would take and run with it. But we really want to try to get it done by the end of the year. [multiple speakers].

**Dev Roszel:** The public piece is going to be. [multiple speakers]

**Bridge Littleton:** Yeah, you got the hearings and all that stuff. Yeah.

**Dev Roszel:** That's 30 days in between.

**Danny Davis:** So yeah. And we can we can give a detailed schedule out as we prepare this. But, but I do think For the required public hearings and then the Planning Commission's opportunity to review, you know, that should be achievable over a two month period of time just for the advertising, the public hearing itself, and then perhaps a follow up meeting to review the recommendations and forward that on to the Council.

**Bridge Littleton:** And there is a, and correct me if I'm wrong and I probably am, there is a code provision that it has to be acted on within a certain amount of time.

**Danny Davis:** There are.

**Bridge Littleton:** I believe it's 90 days.

**Danny Davis:** There are certain.

**Bridge Littleton:** I think, so.

**Danny Davis:** Code sections that apply. I can't speak specifically to this. [multiple speakers]

**Bridge Littleton:** You all might have a code section that requires you to act within a certain amount of time. Yes, Cindy.

**Cindy Pearson:** There's no public comment tonight. Is that correct? Correct. So if someone would like to speak, can come to Council meeting at 6:00 on Thursday and make your comments then. [laughter] You can do it.

**Bridge Littleton:** Snooks, are you one and done this week? One meeting and done this week.

**Snooks Swain:** [off mic] Yeah for the year.

**Bridge Littleton:** He got in 2024. Yeah. We will have public comment on Thursday night. 6:00. And if you have any comments you want to provide. So and again, I seriously encourage anybody reach out to a Commissioner or reach out to a Member of Council. Peter.

**Peter Leonard-Morgan:** Just for the public's information and for our own actually. So what is the process at the next meeting? The Council meeting? Do we start looking at these numbers and say, hey, we don't like 35 feet high, we want 15 feet.

**Bridge Littleton:** Yeah. So at the. What we need to do is by the, we need to have drafted our zoning text amendment. In the next I think we've set a marker of two months. Right. And then we send it to the Planning Commission for them to do their review, comments, input, whatever. They will vote on it after public hearing, and then they will send that back to us, and then we act on it again.

**Peter Leonard-Morgan:** But basically at the next meeting and future meetings, up until when it is, we will be publicly discussing what do we think this should be and debate it at.

**Bridge Littleton:** Will will give us draft language. We'll review it. We'll make tweaks. We'll make changes. Yeah. Just like we did with the Comp Plan. And I will say I am very excited to see a zoning text amendment, a zoning ordinance amendment, you know, achievable getting done in six months on the zoning ordinance committee what was it? Well, yeah. The Prime AG Soils, which was the big one. Right. How do we prevent all of these big subdivision developments in the rural West, or how do we control them? The it was the first zoning text amendment issued in 2020. It was 2020-001, and it just got voted on two weeks ago. Took the county four years. Now we had Covid so you know but yeah it was the first one after the Comp Plan was passed. So what's that. [inaudible] Yeah, exactly. Again listen everybody, we're right at 8:00, so it's perfect. Mimi, you don't have to leave early. Thanks, everybody, for coming. Yeah. Don.

**Don Woodruff:** We need to make sure we'll have a quorum for our next meeting. When is. What's the date of the next meeting? I don't have it with me.

**Danny Davis:** Should be June 24th. That's the fourth Monday of June.

**Don Woodruff:** Yeah. June 24th. Is that correct? Okay. Ed?

**Ed Fleischman:** I'll cancel all my trips to go. [laughter]

**Bridge Littleton:** All right. Rachel.

**Rachel Minchew:** I'm here.

**Don Woodruff:** Miss Stein. Okay. Dev. Okay. We're all set. We're all set.

**Danny Davis:** Thank you, Mr. Vice Chair.

**Bridge Littleton:** And by the way, the 24th is my sister's birthday. So anybody who wants to get something, really get her for something really nice, I'll make sure she comes by the Planning Commission meeting. So again, listen. Really appreciate. What's that? [off mic] Depends on what you. No, it's a stark appreciation. Thank you. Thank you guys for coming and doing this joint hearing. Thanks, everybody for the community for coming out. The engagement is fantastic. Really appreciate all the hard work. And, you know, there's a lot of hard work to come. But again, thank you guys for your service and for, you know, really bearing down knuckling in and focusing on, you know, what's best for the community. So it'll be lots of vigorous debate, which will be great, but we've always come out with good stuff on the other side. So appreciate all the efforts. Don, I think you have to adjourn the Planning Commission.

**Don Woodruff:** [multiple speakers] With that said, we'll adjourn the Planning Commission meeting for tonight.

**Bridge Littleton:** And I'll adjourn the Town Council meeting. Thank you everybody. Meeting adjourned. All right.