TOWN OF MIDDLEBURG
PLANNING COMMISSION
WORK SESSION & REGULAR MEETING MINUTES

MONDAY, JUNE 24, 2024
PENDING APPROVAL

PRESENT: Donald Woodruff, Vice Chair
H. H. "Dev" Roszel, Member
Edward R. Fleischman, Member
Rachel Minchew, Member
Mimi Dale Stein, Member
Morris "Bud" Jacobs, Councilmember

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

The Middleburg Planning Commission held their work session and regular monthly meeting on Monday, June 24, 2024 in the Town Hall Council Chambers. Vice Chair Woodruff called the work session to order at 6:30 p.m. Town Clerk North called the roll.

In response to an inquiry from the Commission, Town Manager Davis reported that the Town Council presented former Chair Cooke with a resolution of appreciation for his service on the Planning Commission.

Election of Chair

Vice Chair Woodruff nominated Dev Roszel as Chair of the Planning Commission. Commissioner Fleischman seconded the nomination.

Commissioner Stein nominated Don Woodruff as Chair of the Planning Commission. Mr. Woodruff declined to accept the nomination.

No further nominations were offered.

Vote: Yes – Commissioners Woodruff, Fleischman, Minchew, and Stein and Councilmember Jacobs
No – N/A
Abstain – Commissioner Roszel
Absent – N/A
(On nomination of Mr. Roszel) (by roll call vote)

Mr. Roszel assumed the chair.

Discussion Items

Initial Draft of Potential R-2 Zoning Text Amendments

Town Manager Davis reported that subsequent to their joint meeting with the Planning Commission, the Council directed staff to move forward with the development of zoning text amendments for the R-2 District regulations that were based on Options 2 and 3 contained in The Berkley Group's report. He reminded the Commission that those involved additional zoning regulations and supplemental zoning standards. Mr. Davis reported that the Council also

asked for information on Option 4, which was the establishment of an architectural control district, and noted that this information would be provided later, as the plan was to focus on the specific zoning regulations. He explained that the goal of this meeting was to brief the Commission on the proposed changes and advised that they would be brought forward to the Council during their meeting to be held later in the week. Mr. Davis noted that the hope was that as he was reviewing the items, the Commission would ask questions or identify questions or input they believed should be taken to the Council.

In response to an inquiry from the Commission, Town Manager Davis acknowledged that the items contained in the options had been considered in the past, but not taken to the level of what was being proposed. He reviewed the options, which included:

-Increasing the minimum side yard requirement from 7.5 feet to 10 feet;
-Eliminating the language that allows the maximum building height to increase from 25 feet to 30 feet if the side yards are increased;
-Reducing the building lot coverage from 30% to 25%;
-Eliminating the language that allows encroachments within five feet of the side yards for very small nonconforming lots of record;
-Prohibiting attached garages;
-Requiring detached garages to be placed in the rear yard;
-Establishing a floor-to-area (FAR) ratio
-Addressing minor revisions to the zoning ordinance.

Vice Chair Woodruff advised that he was approached by someone who had an attached garage that they were thinking of converting to living space and then building a detached garage at the back of their lot. He questioned whether they would have to meet the side yard requirements and noted that the garage encroached a little into the side yard.

Town Manager Davis opined that this would be a question of nonconformity. He opined that if they were not increasing the level of nonconformity, they could continue to use the garage as a part of the structure. Mr. Davis noted the need to look at this on a case-by-case basis.

Town Manager Davis explained that a FAR ratio involved the total floor area, including multiple stories. In response to inquiries from the Commission, he advised that under the definition, it would include any completed finished space. Mr. Davis opined that an unfinished basement may be excluded from the calculation and that an attic would be excluded. He noted that the challenge of not including an unfinished basement in the calculations was that future purchasers of the property may have an expectation that they could finish the basement and later find they did not have that ability. Mr. Davis opined that it would be more difficult to turn an attic into finished space, as it would need to have been constructed to handle the weight load at the time it was built. He noted that most attics were constructed to only hold the weight load of the roof. Mr. Davis advised that the FAR number was proposed to range from 0.4 to 0.25.

Chair Roszel noted the need for the Commission to understand what those numbers meant. He suggested they may need to take a field trip to look at examples before they could make a decision on the number.

Town Manager Davis reviewed charts that identified homes that had been constructed in the Ridgeview area since the first set of zoning text amendments were initiated, and identified whether they met the proposed zoning regulations that were being proposed. He advised that the builders were taking advantage of the lots and building large structures on them, regardless of whether they were small or moderate sized lots. In response to an inquiry from the Commission, Mr. Davis confirmed they all met the zoning ordinance provisions that were in place at the time of the issuance of their permits. He reviewed a chart that identified some homes in the Ridgeview area and explained whether they would meet the various FAR levels that were being proposed. Mr. Davis noted that in the case of many of the older homes, there would still be an opportunity for someone to add to their home under the proposed amendments. He confirmed, however, that there were some homes that would become non-conforming and would not be able to add additional square footage, no matter which number was chosen. Mr. Davis reminded the Commission that previously, they decided against imposing a maximum lot size and instead opted to establish a maximum building square footage limit that would be allowed regardless of the size of the lot. He reviewed how this would be affected

by the establishment of a FAR ratio. Mr. Davis reminded the Commission that the desire was to avoid having someone consolidate two or three lots in order to build a massive mansion on it. He reviewed photographic examples of houses and discussed whether they could comply with the proposed FAR ratios. Mr. Davis noted that there were also impervious surface limitations and advised that some of the homes depicted may not conform to those regulations.

Town Manager Davis advised that some of the minor amendments that were being proposed included whether things such as basement window wells and mechanical equipment could be allowed in the side yard. He displayed a photographic example of an extremely small lot that was allowed to build into their side yard to the point the owner could not move his lawn mower from the front to the rear of the property without encroaching on his neighbor's property.

In response to an inquiry from the Commission as to why the Board of Zoning Appeals granted their variance, Chair Roszel, who also serves on the BZA, explained that when the property owner built the house, there was an agreement that he would remove the existing shed in the rear of the property; however, once the house was built, they decided they did not have enough space to get the lawn mower from the back to the front and asked to leave the shed. He advised that the BZA denied the zoning variance because the owner had the opportunity to rectify the problem when they built the house.

Town Manager Davis continued the review of photographic examples of homes and how they would comply with the proposed FAR ratios. He advised that most of the older homes in Ridgeview would have a FAR of .2 or .3; however, the new homes that were constructed had FAR ratios of .4, .5 or .6. Mr. Davis reminded the Commission of the concerns that had been expressed by the Council, Commission, and community about the size of the new homes that were being built and how they did not match the character of the area. He suggested the staff could provide additional visuals if they would be helpful when the proposed amendments were brought to the Commission in July. Mr. Davis reminded the members that the next steps were for the Council to discuss the proposed amendments and initiate a zoning text amendment on July 11th, with the amendments being presented to the Commission during its July 29th meeting.

Commissioner Fleischman reminded the Commission that zoning changes were complicated and noted that they could have unintended consequences. He cautioned the Council to not move forward too quickly and for the Commission to make sure the changes would have the effect that was intended. Mr. Fleischman expressed concern about possible unintended consequences related to the building height change and noted that this could result in the construction of flat roofs or split foyer homes, neither of which would be in keeping with the Ridgeview area. He advised that parking was also a concern. Mr. Fleischman suggested that people frequently had multiple vehicles and noted the narrow streets in the Ridgeview area. He opined that requiring parking to be in the rear of properties may not be the best option and could cause a problem if people parked on the street. Mr. Fleischman agreed he was not in favor of front-loading garages; however, he noted that people may not have enough space to park four cars in the rear of their lot. He advised that the other issue associated with detached garages in the back of the lot was the amount of impervious surface that would be required for the driveway. Mr. Fleischman noted that this could have the unintended consequence of increasing the drainage problems in the area. He advised that he had a problem with the proposal for an architectural control district. Mr. Fleischman cited the houses in the Residences at Salamander, whose designs were subject to the review and approval of the HDRC, and noted that numerous people have expressed their displeasure with them. He advised that designs were subjective and suggested that having a review committee did not mean the Town would get the result it was interested in achieving. Mr. Fleischman opined that reducing zoning took away property rights and could cause property values to decrease. He suggested the zoning text amendments not be moved forward quickly and that the Commission look at them to make sure they were making the correct decisions.

Town Manager Davis advised that he would pass the Commissioner's comments on to the Council. He agreed with the concerns that going too low with regard to the height regulations could create unintended architectural design consequences. Mr. Davis noted that consideration had been given to reducing the height to twenty feet; however, it was recognized that this could result in some unusual designs, which was why the suggestion was to leave it at twenty-five feet but remove the ability to go higher. He advised that as to the timeline, he reminded the members that the intent was for the Commission to have three additional meetings – July, August, and September – to review and consider the amendments, hear from the public, and make a recommendation to the Council in October or November.

Chair Roszel asked that Councilmember Jacobs relay the Commission's concerns to the Council. He noted that they addressed these items in the past; however, each time, the Council said they wanted more changes. Mr. Roszel advised that he was opposed to rapidly jumping into something that had not been properly vetted. He noted that while he did not agree with all of what Commissioner Fleischman said, he believed a lot of it was true. Mr. Roszel reiterated that the Council continued to ask the Commission to reconsider the regulations and opined that it could not keep changing them. He suggested they needed to come up with regulations that would last a long time. Mr. Roszel acknowledged that it would not be easy to do so; however, he opined that they needed to do it. He acknowledged that people were building houses quickly. Mr. Roszel suggested the Council needed to give the Planning Commission direction on exactly what they were looking for so they would not have to continue to address this issue.

Town Manager Davis confirmed this was in the process that was underway and advised that the Council would initiate a zoning text amendment that would include the proposed changes. He reiterated that those changes would come to the Commission for their review, input from the community and ultimately a recommendation. Mr. Davis opined that what the Commission would receive from the Council in July would be a clear signal of what they believed was important to address the issues. He advised that as to the Council's concerns, they continued to be that there continued to be an incentive for developers to tear down existing homes and rebuild them in a drastic manner. Mr. Davis further advised that the Council's intention was not to lose the character of Ridgeview and to retain the types of houses that existed and the character of those houses. He explained that the Council's desire was to try, as much as possible and under appropriate zoning regulations, to put additional restrictions on what had been seen recently in the R-2 District.

Councilmember Jacobs noted that he sat on both the Council and Planning Commission. He acknowledged that these issues were very complex. Mr. Jacobs noted the need to balance the protection of individual property rights versus protecting the character of the community, as was called for in the Comprehensive Plan. Mr. Jacobs advised that prior to the community input session, he never imagined that front-loading garages could be an issue for the residents. He opined that the Council was trying to respond, as political leaders, to the comments and views being expressed by the community. Mr. Jacobs suggested the Commission knew what the community wanted and had the ability to take limited steps to meet those wants. He opined that there was no particular item on the agenda that the Council was pushing to implement and suggested it was a broader view of the options. Mr. Jacobs opined that the Council did take the issue of individual property rights versus the good of the community as a whole into consideration.

Chair Roszel opined that there was a lot of common ground between the Council and Planning Commission. He agreed there was general consensus with regard to front-loading garages. Mr. Roszel suggested they concentrate on those items that the Council and Commission were at odds with; what the Commission believed it should stick with; and, then make recommendations to the Council.

Chair Roszel adjourned the work session and called the regular meeting to order at 7:32 p.m.

Disclosure of Meetings with Applicants

No meetings with applicants were reported.

Approval of Meeting Minutes

Vice Chair Woodruff moved, seconded by Councilmember Jacobs, that the Planning Commission accept the March 25, 2024 Work Session & Regular Meeting Minutes as presented.

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

Councilmember Jacobs moved, seconded by Vice Chair Woodruff, that the Planning Commission approve the May 20, 2024 Joint Planning Commission & Council Meeting Minutes as presented.

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

Council Representative's Report

Councilmember Jacobs noted Middleburg Day, which was held on May 31st, and opined that the goal of having an activity that was focused on Town residents was well met. He reminded the Commission that the next community event would be the Fourth of July Celebration.

Closed Session

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

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

Chair Roszel asked that the Commission certify that to the best of each member's knowledge (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (2) only such public business matters as were identified in the motion by which the closed session was convened were heard, discussed or considered in the closed session, which each member so did. He reminded those present for the closed session that any discussion that occurred within it should be treated as confidential.

Discussion Items

Short-Term Rental Applications

At the request of the Commission, Town Manager Davis reported on the actions taken with regard to the four short-term rental applications for which the Planning Commission recently offered a recommendation. He advised that the request for special use permits from Salamander Farms, LLC and Mr. Perdikis were denied by the Council and noted that their findings for the denial were a part of the record. Mr. Davis advised that some dealt with the intensity of the use and the feeling that the proposed use did not meet the minimum zoning requirements in terms of residential occupancy. He advised that the Council approved the Gillespie's application for ninety days per calendar year and Ms. Goodman's application for sixty days per calendar year. Mr. Davis noted that the Council looked at a number of factors in those applications. He advised that Salamander Farms, LLC had since filed a lawsuit challenging the Council's decision on their application. Mr. Davis noted that the Town put a statement on its website informing the public of the Council's decision and rationale behind it. Mr. Davis reminded the Commission that this matter was now in litigation; therefore, he needed to be cautious as to what he said.

In response to inquiries from the Commission, he advised that the first few steps in the legal process would take a couple of months and noted that those would determine what happened next. Mr. Davis advised that if it went to a full trial, it could take eighteen to twenty-four months. He advised that the legal costs were being borne by the Town's insurance company.

In response to an inquiry from the Commission, Town Manager Davis confirmed the applicant changed the details of her application from up to eight people to up to ten people for one hundred eighty nights per year.

The Commission noted that the details of the application had changed since it was initially presented. They further noted that her son was not planning to live in the house.

Quorum for July Meeting

Town Clerk North opined that the meeting date was erroneously listed on the agenda as July 29th, as the fourth Monday of the month was actually July 22nd. Town Manager Davis explained that the Deputy Town Manager would like to move the July meeting date as he was not available on July 22nd.

The Commission agreed to move the meeting to July 29th.

There being no further business, Chair Roszel adjourned the meeting at 8:11 p.m.

RESPECTFULLY SUBMITTED:

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Rhonda S. North, MMC, Town Clerk

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

Don Woodruff: Oh, before we do any activity.

Danny Davis: Mr. Woodruff, can I ask you to turn your mic on, please? Thank you, Sir.

Don Woodruff: Most people just say they can hear me in the next town. Okay before we do that, we're all, of course, sad that Terry's not here anymore. And I'd like to know, Danny, what is the appropriate mechanism for having a presentation to him?

Danny Davis: Yes, sir. So, the Town Council actually did provide a resolution to him at the last Council meeting. I believe it was. And took the opportunity just to thank him again for his service and his years leading on the Planning Commission as and also as chair for the last couple of years.

Don Woodruff: Okay. Thank you.

Danny Davis: Yes, sir.

Don Woodruff: Okay. So, we have roll call. Miss Rhonda.

Rhonda North: Vice Chair Woodruff.

Don Woodruff: Present.

Rhonda North: Commissioner Fleischman.

Ed Fleischman: I'm here. Thank you.

Rhonda North: Commissioner Minchew.

Rachel Minchew: I'm here, but it's not going red. [off mic] I'm here now. Now I'm red.

Don Woodruff: Now you're red. Now you're here.

Rhonda North: Commissioner Roszel.

Dev Roszel: Here.

Rhonda North: Commissioner Stein.

Mimi Stein: I'm here too.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Present. Oh, did I say Commissioner Fleischman?

Don Woodruff: Okay the first order of business is to elect a Chair to serve from now until the next election cycle. And so, we opened the floor for nominations, and I'd like to make the first nomination. I'd like to nominate Dev Roszel. Why are you closing your eyes?

Ed Fleischman: Yes. I'd like to second the nomination, if that's allowed.

Don Woodruff: Are there any other nominations?

Mimi Stein: I would like to nominate Don Woodruff.

Don Woodruff: Thank you, I respectfully decline. Since I nominated Dev, I think it would be a little more controversial. [laughter] All right. If Rhonda if you would call the roll and we'll make a voice vote.

Rhonda North: [off mic] Vice Chair Woodruff.

Don Woodruff: Yes.

Rhonda North: Vice Chair Woodruff. Commissioner Fleischman.

Ed Fleischman: I vote yes for Dev.

Rhonda North: Commissioner Minchew.

Rachel Minchew: Yes.

Rhonda North: Commissioner Roszel.

Dev Roszel: I don't think I should be voting on this, should I?

Rhonda North: You want to abstain?

Dev Roszel: I'll abstain.

Don Woodruff: Yes, you should. Donald Trump's going to vote for himself. [laughter]

Dev Roszel: Well.

Rhonda North: Commissioner Stein.

Mimi Stein: Yes.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Yes. [applause]

Don Woodruff: Right over here, sir. No, you can't hit me with it. [laughter] Take it out on your son's.

Dev Roszel: Okay. So, thank you for your kind confidence. Are you still the Vice Chair?

Don Woodruff: Yes.

Dev Roszel: Okay, good.

Dev Roszel: All right, so, Danny, what is our next? We going through the discussion items?

Danny Davis: Yes, sir. That would be next in order.

Dev Roszel: So, we have initial draft of the potential R-2 amendments following the May 20th Joint Council meeting. The Council directed staff to keep the Commission informed of Council's progress towards initiating a potential amendment to R-2 regulations. Do you want to bring us up to speed on the memo?

Danny Davis: Yes, sir. Thank you very much. And I was expecting a ten-minute speech for the new incoming Chair.

Dev Roszel: Nope.

Danny Davis: No thank you. Mr. Chair and Commissioners and as noted Mr. Moore could not be here this evening, so I'm kind of pinch hitting for him. But he and I have walked through these recommendations and the next steps and just want to kind of give you a briefing. I'm not going to go through the whole history. You're obviously very aware of the history of the discussions to date regarding the R-2 zoning district. They're listed out for you here in the memo as well. But just as a brief reminder, we had our joint meeting with the Town Council on May 20th. It feels like an eternity ago already. And then subsequent to that, on May 23rd, the Town Council directed staff to begin moving forward with what we would call options two and three. Those are the additional zoning regulations and the additional supplementary zoning standards. And also to gather more information on what we call option four, that is the architectural control district as we discussed at the joint meeting to bring back more information to Council for further consideration, and that will be a little bit further down the road as our time right now is being focused on the specific zoning recommendations and proposals. So, since that time Mr. Moore has been working on a list of proposed possible zoning changes for the Council's consideration. And our goal here tonight is to brief the Planning Commission on those items. We will be bringing this forward to the Town Council on Thursday as well. And Will, Mr. Moore, will be back on Thursday evening to go into a bit more detail with the Council. But for our purposes this evening is to walk through these proposed items to provide you some additional information and really to hopefully hear from the Commission if there are questions that you might have for us or questions that you believe we should take to the Council to begin discussions on at their meeting on Thursday, as well as any other inputs or ideas as we go through this. So, we're not going to be necessarily solutioning this entirely or definitely not making any decision points, but kind of a high-level overview of the proposals on the table. So, with that I'm going to just kind of walk-through Mr. Moore's report. I have this up on the screen. So, we're kind of all in the same page as well as for the public here. It's on your screen in front of you or the screen behind you either way so there are eight changes that that Mr. Moore has proposed for consideration. And then we'll look at some comparisons. Yes, sir.

Don Woodruff: Danny, most of these, as I read through them, seem to be things that we had discussed, and we presented then to Council. And Council now seems to have endorsed them and returned them to us for a final approval. Is that correct?

Danny Davis: So generally. So, what had been do you mean in the prior iterations of these reviews, these were things that had been considered but not taken, perhaps to the level as what's being proposed in front of you. So, a great example is bullet point A here, increasing the minimum side yard. If you recall, we had previously increased, or we had allowed for I apologize. Let me step back. I believe the prior side yard was five feet and you increase it to seven and a half. So, the next iteration of that would be to consider increasing that to ten feet. So that's giving just more space in between each home or potential new home that could be built. Now previously this goes down to bullet point B if someone reduced the height from 30ft down to 25, then or I take that back if they increase the height from 25 up to 30, they had to provide more side yard space. Well, this would basically eliminate that stipulation. Just say max height of 25ft, that's all. No. Going up to 30ft if even if you give an additional side yard. So, A is side yard is a little wider. B is max height of 25ft with no ability to go any higher than 25ft. Point C here is reducing the building lot coverage. You currently had reduced that to 30%. Now lot coverage reminder is the footprint of the house itself. And we'll differentiate from that from floor area ratio when we get to that in a few minutes. So, this would be a possibility of reducing the footprint of the structure down to 25%. I would note here in Mr. Moore's report that in the initial study the average lot coverage in R2 at that time was 17%. So, by going to 30%, we created some limitations, but weren't at that time anywhere near what the average was in R2.

Don Woodruff: Does that include attached garages?

Danny Davis: I believe in this case it would include attached garages.

Dev Roszel: Well, but that's only under the FAR. The detached garages do not fall within that coverage.

Danny Davis: That's correct in the FAR.

Dev Roszel: So, it seems a little contradictive because at one point in time we had a total lot coverage to include separate units on the property.

Danny Davis: Sure. And so, there is the impervious coverage, right, which would be things that are not part of the building also, that would be patios or pools or things like that, which I believe at this time is not necessarily proposed to change. And I can have Mr. Moore clarify in this particular case how this applies to garages or not, which may or may not be relevant depending on the next few items related to garages as well. And we can provide a little more clarity on how that plays out between the two. Letter D here is a little bit of an intriguing one that you don't see too often. The one example that was recently seen was on Lincoln Road. If we if there is a lot that is less than 80% of the required lot size, meaning it's a really small lot. Then there was a clause in our zoning ordinance that would allow you to encroach closer to your side yards. So, there is a new home built, and I'll show you a photo in a minute, on Lincoln Road. That was a very small lot, and they were able to build within five feet of the side yard. This proposal here would say if you're a nonconforming lot of record, you don't get any special dispensation. You still have to abide by the same side yards and other standards. Essentially, everyone plays by the same rules, even if you have a very small lot to work on. Letter E is one option of handling garages, and that would be to prohibit attached garages. We did hear a lot of input on garages at the community workshop. And so E and F are kind of taken in tandem together. One would be eliminate the ability for garages to be attached to the structure, which is what we've seen in much or almost all of the new construction built to date. And then not only that, but detached garages, if built, would have to be placed in the rear yard. So that would be behind the front plane of the house and really towards the back of the yard. And that way it's not right up facing on the street.

Don Woodruff: But you could simplify that by just when you're saying there are no attached garages, that means all garages have to be detached. Therefore, all garages have to be in the back.

Danny Davis: Right. So, so without clarifying with letter F two aspects of that one, somebody could have a house and a detached garage still right up on the street, right up against the front of the street. So, the idea would be to set it back. In addition, currently detached, well, accessory structures, which include detached garages can also be in a side yard. And what we want to ensure is that that detached garage does not butt up against the property line in a side yard, but it has to be that same ten feet off the side yard, but it can be in the rear yard because that sets it further back in the parcel. So, I may not have explained that well the first time around. But as a non-zoning guy trying to explain zoning items, I did sleep at a Holiday Inn Express last night. So those are garages. And again, we heard a lot about garages at the community workshop, and we think that that will address some of the questions related to the visual aspect as well as how it interplays with the homes that we see around us. And Mr. Moore, God bless his soul, is watching me fumble through these items. He did say back to the building lot coverage that it includes total area under roof, which would include a garage even if it is detached.

Dev Roszel: But the FAR calculation does not.

Danny Davis: The floor area ratio. And let's walk right into that because we're walking right up to that is the square footage of the livable structure, which I believe typically would not include a detached garage. Correct. That's right.

Don Woodruff: So, a question asked of me, of someone who has looked at this on the detached garages they have currently an attached garage, but they're thinking of asking that that be made part of the house and then putting a detached garage in the back of their lot. They still have to meet all the side yard stipulations, right? They can't go grandfathering the fact that their old garage is a little.

Danny Davis: So that's an interesting question.

Dev Roszel: Well, if it's nonconforming.

Danny Davis: Yeah. If it's nonconforming, the question is the use of that nonconformity. And if you're not increasing the nonconformity, then you could continue to use that part of the structure. Now, again, every situation is a little bit different, you know how that driveway works, you know, around the current garage and how they would get behind it. So, we'd need to see that kind of on a case-by-case type basis.

Don Woodruff: Thank you.

Danny Davis: Yes, sir. So, floor area ratio whereas the building coverage is your footprint, floor area ratio is essentially the total floor area. So multiple stories. So, think about your footprint times two. If it's a two-story structure or if you have a basement could be your footprint times three. It is the total square footage of that home. The impact of floor area ratio is not just simply you know, the sides and the rear and the front, but it's also the cumulative effect of going up and increasing the square footage of that structure on property. And I think it might be helpful we'll walk through the spreadsheets that Will is provided in this report to look at how that has applied to some of the new homes that have been built.

Bud Jacobs: In the definition of floor. It's usable floor? Livable floor? Does it include, for example, bathroom space or pantries and closets?

Danny Davis: It's pretty much any completed finished space, if you will. So now, I do believe you can create definitions around specific aspects of this. So, you one potential is that, for instance, unfinished basement space may not necessarily be included. That could be excluded out. Or alternatively it could be anything essentially under roof that is part of the occupied structure.

Bud Jacobs: Such as an unfinished attic.

Danny Davis: So, it could the attic wouldn't be. [multiple speakers]

Dev Roszel: Total square footage of the building.

Danny Davis: Right.

Dev Roszel: Not the height but it is the total square footage of the building. So, if you have three floors of 1000ft² per floor, its height, its width times length, take that square footage and divide it into the lot size. And that gives you your bar.

Danny Davis: Yeah. The challenge with not counting unfinished basement space in your initial FAR calculations, is that persons who purchase that house may have an expectation that that in the future they come in, finish that basement for whatever reason, and they come in to get a zoning permit for that and we have to say sorry. And so, they they've been left with the inability to finish that space. Now, some people might like that, you know, still having an unfinished basement on the opposite side. If we're really trying to get into the size of the structure, then you would essentially want to count any occupiable space, which would be your primary level, maybe your upper level and even a basement, whether finished or not.

Bud Jacobs: And with respect to the attic, a later buyer could, as long as they stay within the 25-foot height ratio, conceivably could pop the top a little bit to get livable space in the attic. Seems unlikely.

Danny Davis: Unlikely. Attics are difficult. They really have to be built at the time the structure is built to handle the weight the loading capacity. And so, whereas many of us may take our attic and throw Christmas trees up there or some other boxes, they're really not even intended for that either, because the loading structure is really meant to hold the roof and no actual livable space. So, we probably wouldn't even really touch the attic issue there. And then finally,

there are some other minor revisions that Mr. Moore has, has been working on, and we can cover those as needed or when we get into more details, but less of the major issue now. On the FAR there is a real broad range that we're considering here. It could be anything from a 0.4, which is in suburban office parks, what you often see kind of as an office building FAR down to a 0.25, which is a more modest number. And so, we'll kind of walk through what that looks like in terms of impacts on or how that compares to recent homes that have been built.

Dev Roszel: Danny, I think too the .4, .35, .30, .25 we really need to understand, we need to look at a house on a lot and understand those numbers really don't mean a lot.

Danny Davis: Yeah.

Dev Roszel: I think to our group. So, understanding what a point three is relative to. So, we may need to do a field trip to go look at some of these things.

Danny Davis: Absolutely.

Dev Roszel: Before we can actually make a decision about what number do we use.

Danny Davis: Yeah. So, I'm glad you said that I can bring the field trip to you. Mr. Moore anticipated that a little bit. And so, we do have a brief slideshow that I'll walk you through some visuals of some, homes and let you look at that. I'm going to run. I'm going to run through this these next couple charts, and it's a lot of numbers and a lot of data, and then we'll take this and go look at the visuals together. This first page is looking at the new homes built in R2 since 2016. One question we had received previously before our joint meeting was which set of regulations these new homes were built under. And so, you'll see that these first set of homes were built under the old original regulations. The next two were built under your first set of regulations approved in May 2021. And then all the rest since then have been built under the most recent and current regulations, zoning regulations. So that gives you an idea of what regulations applied at the time. The column here after the address is the lot size in square footage. Then the next is the height. And you'll see that most all of these are pushing currently 30ft. But more recently they're not built yet but the two homes on Martin Avenue that construction is currently underway, are actually being built at the lower height of 25ft while keeping the most narrow side yard of just over 7.5ft. So, they're not going to 30ft high and ten feet wide. They're staying 25ft high, but maximizing their side yards as much as possible, partly because those are narrower lots and smaller lots compared to what was built, perhaps on Sycamore, which were over 11,000 square feet. And then you'll see the building coverage calculations as well, all fitting within the 30% current regulation. The red numbers were ones where either they were nonconformity here on Lincoln Road or in this case on Locust Street. There was a BZA variance granted for this particular case, there was an existing easement and driveway and a number of considerations that the BZA approved a higher impervious lot coverage than currently allowed in the zoning ordinance. So that's just for your own future referral. Back to what has been. Now the next page is recent construction in the R2 district same homes. But if we look at what the FAR Floor Area Ratio is for those homes. So, we'll take the top one as an example. 103 Reed Street, 7500 square foot lot. Square footage of the house is over 4500ft². That's an FAR of 0.61. So again, while they still have the side yards and the heights and all that, they maximize the livable area and the square footage of that structure to be a 0.61. If. In the next four columns, if there were a FAR limitation on that lot, what's the maximum size house that could have been built on that lot? So, at 103 Reed, it could have been as small as 1875 square feet or as large as 3000ft², depending on which FAR ends up being adopted if adopted. So, this is basically everything in red shows that the new homes being built would not comply with an FAR of between 0.25 and 0.4 if adopted by the Town Council. In other words, they're really taking advantage of the lots and building large structures on whether it's a small lot or a moderately sized lot. Is that helpful?

Dev Roszel: I think, to these houses that were built, were built within the code.

Danny Davis: Yes.

Dev Roszel: That we currently have.

Danny Davis: That we currently have. Right. The final chart, because it's helpful to not only compare and look at the new homes that have been built. That we just looked at but let's look at some existing homes in the R2 district and how they would fall under this conversation of FAR. So, if you'll see here, we have the address, lot size, square footage of the home and the current FAR. And you'll see that most all of these are falling in that, you know, between 0.13, 16 down to, you know, 0.2. There are some that are that are definitely larger, 0.50, .46. But definitely taking kind of scope of the various homes in R2, you see, that is much, much of a lower FAR on average than the newer homes that have been built. Mr. Moore then took the same approach and said, okay, if we had an FAR cap in R2 on each of these sized lots, what size of a structure could be built? And so, for instance, 6 Reed Street, they have a 4460 square foot house. If it were a 0.25 FAR, they could actually add another almost 50% to their current structure. If it were a 0.4 FAR, you could get almost 3700ft² on that size lot. So, it's still, in many cases, an opportunity where someone could still add on to their home, still have increased square footage on the house. In some cases, though, 205 Chestnut, they're already exceeding what our proposed FAR changes. And so, their current house would become non-conforming. They would not be able to add any additional square footage to that existing home, no matter which of these four options are chosen. The other final, perhaps confusing aspect of this, and I'll try to explain this as best I can. When you all reviewed the building lot coverage at the time, the Planning Commission, the Council, and the Council decided not to impose a maximum lot size. However, you imposed in the building lot coverage calculations a maximum square footage that would be allowed in that calculation for coverage 12,500ft². So essentially, when you have 30,000 or 30% building lot coverage, if you have a really large, massive lot, doesn't mean you can build 30% of that entire lot. You are going to be capped at 30% of 12,500. Essentially, we built in a max lot coverage calculation in there. Similarly, we would propose something for FAR, which would be you can still have a really large lot. For instance, 606 Blue Ridge is nearly an acre in size. We would want the calculation of FAR to be on a standardized maximum number. We would suggest it being the same as the building lot coverage number of 12,500ft². I realize I'm probably not explaining that super well, but perhaps if we can, we can provide some diagrams and kind of show you how that plays out. What we want to avoid, in short, is someone taking 2 or 3 lots, consolidating them, and building a massive mansion on it. So, by imposing a cap of that building lot coverage, using 12,500ft² as a max calculation number, we essentially eliminate the potential of people consolidating multiple lots and making a really, really large compound. So not sure if I helped or confused things on that discussion point there. Let me jump to PowerPoint and we'll walk through a few of these just for some visual comparison. So, here's one of the homes on Reed Street. The height is 30ft. Side yards are 7.5ft. Now, remember, this home was built before any of the zoning changes were implemented. It's 30% building lot coverage. It does have a rear detached garage, but it's FAR is 0.61. So, the items in red here would be non-conforming with the proposed zoning standards that we've walked through briefly tonight. So, its height is 30ft. We're proposing 25 side yards 7.5ft. We're proposing ten. Building lot coverage, we're proposing to go down to 25%. And of course, FAR is much higher than any of the four options being proposed. This home is on also on Reed Street, just off Washington Street. I think it may be number three or number five. I'm not exactly sure the address, but it's just coming in off of route 50. Similarly, you're seeing here 26-foot house in heights. The side yards are smaller than the proposed ten feet building lot coverage, while less than our current limits would still be higher than what we're proposing. And then this actually would be a side load attached garage, which is would not conform with our current proposals. The FAR on this lot though is 0.29, which, depending on what direction we end up going, could still comply with the FAR or if we end up going all the way down to 0.25 would be non-conforming in that way as well. Here's an example of consolidating two lots together, Martin and Walnut and 7200 square foot home on a 15,000 square foot corner lot. You'll see the height the side yards, building lot coverage and the FAR as well. This is one of the new homes on Blue Ridge. Again, just as a visual. Just over 7.5ft side yards, almost 30ft high. Yes, sir.

Dev Roszel: If we go back to the prior picture, had that homeowner reduced the building lot coverage and a little bit of the height, they still could have combined those lots and built that house because it would have fit within, because the FAR would have been down. I'm assuming that we select the FAR, the FAR for 0.46 or whatever it is that although it seems large, that House, when you look at the what we're talking about doing, is really not that FAR out of its two lots that have been combined. It fits within the lot, 17ft on the side yards. Which is considerably more than the ten we're talking about. So, I just want to put in perspective that I know a lot of people think this is a massive place, but it actually is pretty close to falling into with the guidelines that we're talking about doing.

Danny Davis: That's right. And one of the items I do believe, and it's not covered in this analysis here. The impervious area on this parcel is probably the one that would not conform to our current standards, because there was a lot of hardscapes in the back there. And then. Yes, depending on what happens with FAR, you know, 0.4, it would have been

close to 0.25 would be really tough to get something similar to this. And speaking of FAR again, having these kinds of narrow, small lots, just over 7500 square foot lot and a 44,200 square foot home, you're looking at FAR of over 0.55. So, a lot of maximization of the land there, especially given that it goes down. So, they not only have the primary two levels, you see, but also a basement below as part of their square footage. One of the new homes on Sycamore Street similar comparison. Again, just a visual for you. This one height was up to 30ft, so they brought in the side yards to greater than ten feet and maximize the height of this one. Also, again though went down and have a completed basement. So again, your FAR is at a much higher number here. Just a few more Lincoln Road this is the example I was describing with the five-foot side yards because it was an exceptionally small lot. You see, it's not even 4700ft² in size of the lot. They were able to build to within five feet. The other challenge with this, in some of the minor revisions that Mr. Moore is looking at, is if you have a basement, you're required to have a window well for egress in case of an emergency. And under our current standards, that can be built into your side yard, you also can put your HVAC equipment, mechanical equipment in the side yard. So, in the case of this homeowner their mechanical equipment was in the side yard and essentially was making it challenging to be able to actually, like, push a mower to the backyard without encroaching on their neighbor's property because of how close it was to the property lines. So, again, looking at perhaps removing that exception for being able to build that tight to the side yards.

Ed Fleischman: Could I interrupt to ask a question about this property?

Danny Davis: You can ask whether I have an answer.

Ed Fleischman: It's not a complicated question. It's a very small piece of property. Why did the zoning board or the Council or the Planning why did they give an exception to the property? What was the thinking to give them an exception to the zoning rules?

Danny Davis: So, this one, if I recall correctly, they actually were asking for a variance of a different matter. And I believe that variance was denied. I believe this one was actually not approved. I don't recall what they wanted in the side yard. Do you recall Dev? The shed.

Dev Roszel: Yeah. They wanted.

Danny Davis: That's what it was.

Dev Roszel: The agreement was when they built the house, they would remove the shed in the back for lot coverage. [multiple speakers] Once they built the house, they decided they didn't have enough space to get the lawn mower around. And they wanted to leave the structure up. So, the BZA denied the zoning variance because they had every opportunity to rectify the problem before they built the house.

Danny Davis: Yeah. Thank you for that reminder.

Ed Fleischman: Thank you.

Danny Davis: Wheels were taking a little while to start spinning. Yes. You are. That's great. This is actually. Mr. Fleischman, this is the one that the variance was granted for, and I believe it was for the impervious lot coverage. This is an interesting situation where it was an existing home with a driveway that imposed on the parcel next door owned by the same person. So, they owned a home and a vacant lot. They were wanting to build the new home. And yet with the easement and the way the driveway for the existing house was, it imposed upon their ability to build this new house and the impervious coverage. There was also a situation here where they were previously granted a zoning permit under the old rules, and then, for some particular reasons, had to not pursue that at the time when they came back to further pursue it, the rules had changed and were significantly impacting their ability to pursue their plans. So, the BZA felt that they had a specific reason to be able to grant a variance that was not something that would necessarily set a precedent for across the community. This particular home is interesting and that they've chosen not to build an attached garage, but instead they've built an attached carport. So, on the right-hand side is a covered area where you can pull a car under but is not actually a garage. And it's a unique way to approach this issue without perhaps impacting other potential calculations. And you'll see that this house actually would comply with many of the proposed

changes in regulations, except for the one side yard being eight feet. And of course, in this case, the FAR is nearing 0.6. And I think I have one last example. This is a rendering of one of the new homes on Martin Avenue. That is again currently under site development and is noted in this particular case, the builder has decided not to go to the full 30ft height and ten-yard side ten-foot side yards, but instead keep a 25-foot height and keep the currently approved and allowed 7.5ft side yards. Again, we're noting here that under the proposed regulations that we're bringing forward that the side yards, building lot coverage and garage would not comply. And the FAR, again, would not comply depending on what number is chosen. It's 5,000 square foot home on a 9,300 square foot lot. So compared again to the rest of existing Ridgeview, where we're looking at FAR's of, you know, in the .2, .3 range. Most of these new homes being built are in the point 4 or 5 to point six range. So, I think that's a lot of what the Planning Commission discussed with the Town Council and what we heard from the community about it's some aesthetics, it's some massing. It's the kind of size and how the size of new homes being built does not kind of match the character of R2 that you're currently used to seeing in Ridgeview. So, I know that's a lot of numbers. That's big charts. But hopefully the visuals helped a little bit. We also could provide, you know, additional visuals if that would be helpful in some fashion or another. We're happy to take that input, share that with Council and also then bring that back to you in July. Speaking of that, our kind of next steps again, we will take this to the Council on Thursday. Our intention would be that Council approves an intent to amend the zoning ordinance on July 11th, and then those text amendments would come to you at your meeting on July 29th. And that will be your first real deep dive into reviewing and discussing those in a bit more detail. Again, the conversations tonight can help inform that that discussion and happy to take any other inputs or questions you might have.

Ed Fleischman: Thank you, Mr. Chairman. I think zoning changes are very complicated issues. You have pros and cons. And then, as Will put in his report, you have unintended consequences. So, I would just caution the Council not to move forward too quickly. And I would caution the Planning Commission when we get to review some activities that we make sure are exactly what the proposed change in zoning would really what the effect would be. So, I have some about five comments here that I'd like to go on record and make. And the first is the height issue. And that's an issue that has a lot of unintended consequences. And I think Will Moore in his write up mentioned that. You could keep lowering the building height restriction down. And so, if you're a homeowner and you want to have a house that has two floors, and what you could do is have a flat roof that was mentioned, and that would not be in keeping with Ridgeview at all. The other way that you can manage a lower height of a building is to put your first floor semi down. So, it's a half floor below. And so, what you have is that's a split foyer. And some of the houses on facing behind Salamander have that. And when you look at that personally I don't think that's in keeping with Ridgeview either. But everybody has their different view. It's very subjective. So, I think that the height building, people can get around height. So maybe we should be thinking maybe we don't want to reduce the height, but that's just the first point. Second point that I'd like to make is regarding parking. Parking is always a controversial topic, not only in Middleburg and Ridgeview, but in cities around the country. Everybody likes to talk about parking. So, what we have in Ridgeview is narrow streets that are paved. I live in Ridgeview, so I'm very familiar with, say, Sycamore Street, and you can get two cars down the street, but it doesn't really allow any movement. Now because people now, I would say unfortunately have four cars, five cars and this was mentioned when we were dealing with the possible bread and bed and breakfast, where we discussed that the townhomes that were constructed didn't have enough parking so that people were parking on the street, and that caused quite a problem. So, by restricting parking and requiring it in the back, which may not be the best thing, then you might have people, more people parking on the street. So, I think that's something that should be thought about is where we want to restrict parking. Right now, even a front loader. I'm not in favor of front loading, but you have two garage spaces, and then people have two spaces on their property. So really, that's like four spaces. If you put it in the back, there may not be a lot of spaces there. The other thing about the back detached garage is the impervious coverage. So, if you build a driveway all the way to the back, you're putting down asphalt or some other material down. So, you're really increasing and might have problems with drainage because of that. So again, it's unattended consequences on the parking side. Another problem I have is this the historic review committee idea that was put forward. And again, this is just get people thinking about certain things that we should be cautious and understand the implications. I'm really amazed on what happened with the new development in Salamander. The agreement with Salamander way back 15 years ago was their houses would be subject to review and approval by the Historic Preservation Review Committee in Middleburg, and those houses went through our review process and were approved. And now we have a number of people in the community, a number I don't know how many people, but it was expressed in numerous places that people are not happy with the outcome of the houses the new houses in the Salamander Development. A lot of people have different views. It's subjective, but just because you

have a review committee doesn't mean you're going to get a result that you're interested in. The last comment I'd like to make is that we should be, the Council and the Planning Commission, should realize that when you reduce zoning that's been in effect for many years, you're really taking property rights. And I know a lot of people there are a number of people on Sycamore Street. Where I live, they are older, they live in small houses, and they look forward to selling their house and taking that money out. Some of them have paid off their houses, but that's their nest egg. And every time we reduce the zoning it might cause their property values to go down without any compensation to them. So, I think that's just another thing that the Council and the Planning Commission ought to deal with. There are a lot of things churning around, and I think that we shouldn't move forward as fast as the Mayor wants. I think that we should be looking at it and making the correct decisions.

Danny Davis: Thank you, Mr. Chairman. Do you mind if I two quick items? One, I thank you for the comments and they're helpful. We'll make sure to pass those on as the Council and as you continue to review on the height matter. I think you're actually right. Definitely on the concern of going too low and reducing that too far down you're going to get architectural designs that are not intended whatsoever. And so what, as Mr. Moore and I were discussing back and forth, and as he was considering the proposal to put forward and I know speaking with some members of the community as well there had at one point been a conversation about dropping that max height to 20ft and recognizing that that could lead to some of these unusual designs. So that's why at this point, the suggestion is leave it at the 25ft, which is the current height, but remove the ability to go any higher to the 30ft. And what we are seeing is that some of these newer homes are at that 25-foot level. And the final item, you noted timeline and duly noted, I will say for your benefit and the Commission that right now, the intention is that you will see this discussion for three additional meetings, July, August and September. And so there will be the intention is there will be a fair amount of time for the Commission to review, consider, hear from the public and then ultimately make a recommendation to the Council. And then that would get back to the Council in October for consideration, public hearing consideration, the October, November time frame. So just to lay that schedule out for you.

Ed Fleischman: Thank you for your response. It's a complicated subject. That's all I'm saying.

Dev Roszel: Thank you. Danny, yes, I would agree with a lot of what Commissioner Fleischman says. And Commissioner Jacobs, you can probably relay this information. We and I have said this before, we have addressed these issues in the past and come up with a solution. And it seems like each time that we do that, the Council comes back and says they want to change it. I am very much opposed to rapidly jumping into something that we haven't really vetted properly, and I may not agree with all of what you've said, but I think a lot of it is true. We have to really think about, you know, we've made the we've spent the time we've made these adjustments to the zoning ordinance. They've come back and asked us to do it, redo it. And Bud, I mean, you're part of the Council, you know, and then we're coming back and we're looking at it again, and they're going to have a meeting this week, and then we're going to go into next month. I mean, we really have we can't keep changing these ordinances. We have to come up with something that will last a long time. I mean, the Constitution was written 200 years ago. We should be able to come up with some type of document that keeps us from having to revisit this. I'm not saying it's easy, I'm just saying that we do need to be able to. We got to have time. Obviously, these things move quickly. People come in and they want to build something. But I think that we've discussed a lot of this. I think the Council really needs to maybe they have it. I'm missing the point. Tell us what are they really looking for? What do they want? Is it the FAR designation? Are we not you know that's new to the playing field. That's not what we had addressed last year. So, if that's what they want us to address, then we need to really take a look at that and figure out if you know how we make that fit. Are we required to use that if that's what they want? So, I think those are things that we should find out. If everything is excluded except for the FAR, then we need to really focus on how that fits into the requirements. So I would think the Council needs to give us a little bit more direction on what they are looking for, as voted in leaders of this community we can merely put together stuff that we send to them, but if they're really looking for specific items, I don't want to have to keep addressing this for the third time.

Danny Davis: If you don't mind me responding first and then you can say anything in addition. I believe that is the process that we're going through now, which is hearing from the public in the community workshop meeting with you guys jointly together to discuss these issues. And at this point, it's really the Council who's going to do the initiation of the text amendment with the initiation of these, it could be five or all eight of these proposed changes. And at what level of these changes specifically on the FAR are we looking at 0.25, 0.34? And that will come to you as a Planning

Commission with a proposal with their intention and their direction or their request, I guess I should say and leave that for the Planning Commission to review, consider, hear from the public and ultimately make a recommendation. But I think what you get from the Commission and from the Town Council in July will be their clear signal of what they believe is important to address the issues that they're seeing. And to the question of what are their concerns, I think it continues to come down to there is an incentive today to tear down homes and rebuild them because it can be done in a fairly drastic manner. And I believe the Council's intention is to say we don't want to lose the character of Ridgeview. We want to retain the types of housing that we have, the character of the housing, and try to as much as possible and appropriate under zoning understanding Mr. Fleischman's comments as well that the ability to put some additional restrictions on what we've been seeing more recently in the R-2 district.

Dev Roszel: And I would agree. Thank you. I also believe that. [multiple speakers]

Bud Jacobs: Could I make a comment before you go on?

Dev Roszel: Sure, absolutely.

Bud Jacobs: As I sit on both bodies, the Town Council and the Commission. The feeling I often get as we work through these issues is the feeling a blind man groping an elephant might experience. The issues for me are very complex. The balance between protecting individual property rights and protecting the character of the community, as called for in the comprehensive plan is, for me, often very hard to strike. I think I'll give you an example. The question of front-loading garages. I never imagined before we had our community outreach session that that was going to be such a neuralgic issue with our residents. Never thought about it. And I think the Council, as much as it can, is trying to respond as political leaders to the information, the comments, the views as expressed to them by members of the community. Now, we've quibbled in the past about who that community really is. We've quibbled about the data we've collected. I would say we sort of know what the community wants. We have the ability to take some limited steps to meet what we think the community wants. And that basically is what the Council is trying to get at. I don't sense that there is a particular item on the agenda, for example, FAR that any member of the Council is particularly pushing that we implement. It's more it's a broader view of on the menu of things that we might do. What should we in fact do, taking into account the tension that I mentioned earlier that exists between individual property rights and the good of the community as a whole. So that's my answer to your question.

Dev Roszel: And I thank you very much. I believe that there are lots of pieces that are common ground between the Council and the Planning Commission, which I think we don't need to really. I mean to your point about the front-loaded garages, I think that's a general consensus that we shouldn't have to. There's certain things, I think, that we don't really need to go into depth on, so we should find the spots that we are at odds on and what we believe we want to stick to and make those recommendations to the Council. But in that way, it'll narrow it down. So, we're not looking at a whole broad eight different items. We know there are certain things that are [inaudible]. So that's how I think that we should approach it. Yes, yes. Okay, so regular meeting 7:00. We're way past that. So, we're ready for the public any public. We have to call the meeting to order, correct?

Danny Davis: Yes, sir.

Dev Roszel: Okay, we've already done that. Right.

Danny Davis: Well, the. [off mic]

Dev Roszel: All right, we're closing the work session. Sorry. This is my first time as a senior leader. So, Rhonda, call the meeting to order. Okay. Call the meeting to order. Disclosure of meetings with applicants. Yes. Call the roll, please. Thank you.

Rhonda North: Chair Roszel.

Dev Roszel: Here.

Rhonda North: And did you have any meetings with applicants? [laughter]

Dev Roszel: No, I have not.

Rhonda North: Vice Chair Woodruff.

Don Woodruff: Here. I have had no meetings.

Rhonda North: Commissioner Fleischman.

Ed Fleischman: I have had no meetings.

Rhonda North: Commissioner Minchew.

Rachel Minchew: I've had no meetings.

Rhonda North: Commissioner Stein.

Mimi Stein: No meetings.

Rhonda North: Council Member Jacobs.

Bud Jacobs: No meetings.

Dev Roszel: Thank you, Rhonda. Public comments do we have any public hearing comments from anyone? No. Hearing none. Thank you. We have approval of the minutes for the March 25, 2024, work session and regular meeting. Do I have any?

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

Bud Jacobs: Second.

Dev Roszel: I have a motion and a second. All in favor?

All of Commission: Aye.

Dev Roszel: That is closed. Meetings for May 20th Joint session with the Town Council and the Commission meeting. If I have a motion.

Bud Jacobs: I move that the Commission approve the minutes as presented.

Don Woodruff: Second.

Ed Fleischman: Second.

Dev Roszel: All in favor?

All of Commission: Aye.

Dev Roszel: That is passed. Council representative report. Commissioner Jacobs.

Bud Jacobs: I hope everyone was able to attend. And enjoyed Middleburg day. I saw some of you there, and it appears that our goal of having an activity that focused on residents of Middleburg was well met. I haven't seen the latest data, but I think we had something on the order of 500 people attending.

Danny Davis: I think it was. Yes.

Bud Jacobs: That's based on the bracelet count. And next up is 4th of July. So, hope to see all of you beer in hand, celebrating, commemorating our nation's birthday.

Dev Roszel: Thank you. Council Member. Any discussion items? What else?

Bud Jacobs: I'm warned that that was inappropriate. And you should leave the beers at home. So. [laughter]

Danny Davis: Property. School. School Property Regulations. School Property. Charter school. Got it. Right.

Don Woodruff: I'll be. I'll be drinking beer in Maine.

Dev Roszel: That sounds good. Any discussion items that anyone has that they want to discuss? Hearing none. We go into, I guess, a closed session.

Danny Davis: Chair Roszel. So, you have currently one vacancy on the Planning Commission and three potential applicants. Two potential applicants. Miss North, do we have a change?

Rhonda North: I'll report it [off mic].

Danny Davis: Okay, so what we will do is we can discuss those in closed session and then we'll take the opportunity to briefly review that with you. And then we'll have the opportunity to invite those applicants into closed session where you can ask some questions. And then you can again discuss amongst yourselves. And then no formal vote is taken by the Planning Commission. And but we will take your recommendations to the Town Council for their consideration. So, what we would need now is a motion that should be in your agenda packet to go into closed session for this purpose.

Dev Roszel: Someone make a motion to go into closed session, please.

Don Woodruff: I will make a motion that we go into a closed executive session.

Danny Davis: Y'all can stay in here. You're not required to leave. You can stay in here. Yeah. I'm sorry.

Rhonda North: Mr. Vice Chair, you need to read the entire motion.

Don Woodruff: I move that the Commission go into closed session as allowed into the Virginia Freedom of Information Act 2.2-3711A1 for discussion, consideration, or interviews of prospective candidates for appointment to this Planning Commission. I further move that the Commission therefore reconvene in open session for action as appropriate.

Dev Roszel: Do I have a second?

Ed Fleischman: Second.

Dev Roszel: All in favor.

All of Commission: Aye.

Dev Roszel: So, moved. [off mic] I would like to ask the commission to certify that, to the best of each members knowledge number one, only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act. And two, only such public business matters as were identified in the motion by

which the closed session was convened, were heard, discussed, or considered in that closed session. I would like to remind those present for the closed session that any discussion that occurred within it should be treated as confidential.

Rhonda North: Would you like for me to read the roll call, Mr. Chair?

Dev Roszel: Yes. Please Rhonda.

Rhonda North: Chair Roszel.

Dev Roszel: I agree.

Rhonda North: Vice Chair Woodruff.

Don Woodruff: I concur.

Rhonda North: Commissioner Fleischman.

Ed Fleischman: Sounds good.

Rhonda North: Commissioner Minchew.

Rachel Minchew: I concur.

Rhonda North: Commissioner Stein.

Mimi Stein: I agree.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Yes.

Danny Davis: Mr. Chairman.

Dev Roszel: Yes.

Danny Davis: Commissioner Fleischman asked me a quick question. Would you like me to address that now or just individually afterwards?

Ed Fleischman: No, if you could about it in open session.

Danny Davis: So, if just in a one-minute briefing there he did have a question about the short-term rental decisions that conversations that the Planning Commission had and then ultimately that the Town Council did take a vote on. Just to recap, for those who did not follow fully the request for short term rentals for Salamander Farms LLC, Miss Johnson's home and the Perdikis home were both disapproved or denied by the Town Council. And we can their findings for denial were on the record, but for a couple of reasons, partially the intensity of the use as proposed as well as feeling that the matter or that the proposed use did not meet the minimum requirements of the zoning ordinance in terms of use as residential occupancy. And I know that's a conversation that you as Planning Commission also had. But Council reviewed that and continued detail. The other two items, the Gillespie home was approved for 90 days for short term rental. And Miss Goodman's home hers was approved for 60 days as a short-term rental. The Council looked at a number of factors, of course, and all those matters. Now, subsequent to that Salamander Farms LLC. Did file suit and an appeal or a challenge to the Town Council's decision on that particular application, and only on that one application. And that is proceeding through the process as we speak. The Council did in the town did put up a statement on our website. So, we wanted to help inform the public about, you know, the decision, the action, and the rationale behind the Town Council's decision. So, if there are any questions on that, I can answer what I'm allowed to

say. But also knowing that it is in litigation, I have to be relatively cautious in how much else I can say on that matter. So, I'm not sure if that helps Mr. Fleischman in where we stand.

Ed Fleischman: No, no, it's good, thank you very much. A lot of that stuff, of course, was on the record in the Council meeting. So, what's the schedule for this legal challenge? I mean, sometimes these can go on for years.

Danny Davis: Sure. So, we intend to you know, take some first steps. Again, not to, to speak on legal matters publicly, but to say the kind of first few steps of the process could be over the next couple of months. And that will determine kind of potential what happens next? If it goes to a full trial that could be 18 months to two years from now. So just kind of depends on the typical process. And as these things go.

Ed Fleischman: Of course, money to do this for the town.

Danny Davis: So, these types of items are covered under our insurance for our legislative discretion. And so, we're, being yeah, we're being covered by our insurance in this matter.

Ed Fleischman: Dr. Johnson was denied. Right? And what? I've forgotten what she asked for.

Danny Davis: So, it had been at times up to eight people and at times up to ten people for 180 nights a year. Yes.

Ed Fleischman: Thank you.

Rhonda North: [off mic]. Microphone.

Rachel Minchew: They changed the application somewhat the second time they presented or the third time they presented. It wasn't really residential, wasn't.

Dev Roszel: It was different than what? [multiple speakers]

Rachel Minchew: The same residents. Yeah. Her son wasn't going to really live there. And so that kind of knocked that out of the park.

Dev Roszel: Thank you everyone. Quorum for July 29th.

Rhonda North: Mr. Chair. Yes. That actually is the wrong date. The fourth Monday in July is the 22nd.

Danny Davis: Ms. North, Mr. Moore is not here on the 22nd, so we are proposing it to be on the 29th. The fifth Monday.

Rachel Minchew: Okay.

Dev Roszel: He's not here. The 22nd so the 29th would be better. Is that okay?

Rhonda North: Yeah. I just needed to make sure that everyone was aware. That's not the fourth Monday.

Dev Roszel: Do we have a quorum? Everyone else. Commissioner Fleischman. Okay. Thank you. The next event then will be on the 29th at 6:30. Adjourn.