TOWN OF MIDDLEBURG
PLANNING COMMISSION
WORK SESSION AND REGULAR MEETING MINUTES

MONDAY, SEPTEMBER 28, 2026
PENDING APPROVAL

PRESENT: Morris "Bud" Jacobs, Chair
Donald Woodruff, Vice Chair
Kim Basinger, Member
Carolyn Hersh, Member
Paul "Drew" MacMahon, Member
Michael Rocconi, Member
Christopher Hersh, Councilmember

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

The Middleburg Planning Commission held their work session and regular monthly meeting on Monday, September 28, 2026 in the Town Hall Council Chambers. Chair Jacobs called the work session to order at 6:30 p.m. Town Clerk North called the roll.

Site Plan 26-01: 115 W. Washington Street – Kevin Ash

Deputy Town Manager Moore reminded the Commission that in June, he reported on the site plan application that had been filed at that time. He reported that it had been through the first round of reviews, with the Town staff and external agencies having identified extensive revisions that were needed in order to get the site plan in an approvable form. Mr. Moore advised that the applicant resubmitted a second iteration of the site plan in August; however, there continue to be outstanding concerns, particularly from the Fire Marshall's office. He explained that the concerns were the required access width for fire apparatus into the rear of the property and that the fire hydrant coverage was not close enough to a portion of the building. Mr. Moore further explained that as to the latter item, once fully extended, the hose would not meet the distance to the fire hydrant. He reported that the applicant was seeking a code modification from the Fire Marshall's office and advised that he had a call into them to discuss how that may work. Mr. Moore noted that, in the meantime, he wanted to get the Commission's input, as waivers would be required from both the Planning Commission and Town Council. He advised that the first waiver that would be for the Commission's consideration was for the required loading area. Mr. Moore explained that it was common, particularly in new developments, to require a dedicated loading space for larger trucks for the delivery or pick-up of goods. He reported that in this case, the Town Code contained a waiver provision, which was a recognition that the town was nearly built out and that when re-using a site, there were often restraints. Mr. Moore explained that the Town Code allowed the Commission to waive the loading requirement provision when it was not feasible to provide one due to the location of existing buildings and structures. He advised that the staff was generally supportive of this waiver. Mr. Moore acknowledged that doing so would provide challenges, in particular on Washington Street, when there was not sufficient space for large trucks to pull into the on-street parking. He advised that there were some site restraints that would call for the Commission's consideration of a waiver as the site was currently laid out. Mr. Moore reminded the Commission that for a new site, there was a minimum five-foot perimeter landscape strip requirement between any parking and abutting properties. He noted that in this case, there was a common boundary to the east with the post office and bank. Mr. Moore explained that because the applicant was seeking to create parallel parking spaces along the rear entry drive, he requested a reduction of the minimum requirement to three feet. He reviewed the proposed site plan related to this waiver request. Mr. Moore advised that the applicant was trying to minimize the amount of disturbed area on the site for the first phase of the project in order to avoid the requirement for a grading permit. He

noted that based on a meeting the staff had with the applicant, he had a Phase 2 envisioned and had plans for the bare area of the site. Mr. Moore explained that because of that, the applicant was trying to avoid providing additional parking in that area, as he was envisioning a potential structure there in the future. He reiterated that this was the purpose for the waiver request to reduce the width of the landscape strip. Mr. Moore noted the applicant's proposal to reduce the travel width of the driveway coming off West Federal Street to thirteen feet and advised that this was one of the major issues raised by the Fire Marshall. He noted that typically, a nineteen-foot travel width was required for two-way traffic; however, if it was part of a required fire lane, a minimum of twenty feet of unobstructed access was required by the Fire Marshall. Mr. Moore advised that he did not know how the applicant's modification request was going to be received by the Fire Marshall. He opined that it would be difficult to argue that he was unable to provide the required width when he was putting new parking in that location, which was not an existing condition. Mr. Moore advised that from a Town staff perspective, he was generally supportive of the waiver request for the off-street loading due to the tight nature of the site. He suggested it would be preferred to have trucks unload on Federal Street rather than Washington Street. Mr. Moore advised that if the applicant was successful in getting a modification from the Fire Marshall, the Town staff would have no objection to the reduction of the landscape strip from five feet to three. He noted that there would, however, be requirements that the applicant must demonstrate, including the installation of an opaque fence and landscaping in the strip. Mr. Moore advised that those would be returned to the Commission in the future. He reiterated that waivers would also be required from the Town Council and advised that he would like the Commission to provide the Council with a recommendation. Mr. Moore explained that the Council waiver requests would involve the reduction of the parking space setback from the property line from five feet to three, which would be duplicative of the landscape strip waiver. He advised that the other waiver request to the Council was a reduction in the setback for parking in relation to surrounding buildings. Mr. Moore explained that the Town Code required an eight-foot separation from the parking area, which included travel aisles, and advised that this would be difficult to meet on the site. He reviewed this request on the site plan and explained that due to the construction of a garage in the rear of the home at 114 West Federal Street, the separation would be reduced to one foot. Mr. Moore advised that the separation would be reduced to between one and two feet on the opposite side where the handicapped parking spaces would be located. He noted that in both cases, there would be a curb separation; however, there would not be anywhere near the eight feet of separation required in the ordinance. Mr. Moore recognized that this would be difficult to do when reusing a site, while also providing off-street parking, which the applicant was required to do. He reiterated that these waiver requests would go to the Town Council and advised that he would like the Commission to provide their input and a potential recommendation on them.

Chair Jacobs suggested the Commission begin their discussion with the Commission waiver requests.

Commissioner Hersh inquired as to the number of parking spaces the applicant was required to provide. She opined that they had to be nine feet in width.

Planner Rogers reported that parallel parking spaces could be eight feet in width; however, pull-in spaces had to be nine feet.

Commissioner Hersh noted that there was usually an ability for passengers to get out of the other side of the vehicle. She opined that the proposal would put more people and things in the middle. Ms. Hersh expressed concern about the width of the fire lane and the closeness of the buildings in this area. She further expressed concern that if there was a fire, a number of buildings could be engulfed. Ms. Hersh noted that there were only feet between the buildings in this area and advised that she witnessed a fire in a former neighborhood like that.

Interim Town Manager Moore noted that he was very interested in having a discussion with the Fire Marshall to learn how they would receive the code modification request.

Commissioner Hersh questioned whether this related to the Planning Commission. She opined that the parking was what narrowed the travel lane down to thirteen feet and suggested it was crazy to do so.

Interim Town Manager Moore opined that there was sufficient width without the need to widen the pavement if the applicant did not install parallel parking in this location. He noted that the applicant could meet both the Fire Marshall's requirements and provide the five-foot setback.

Commissioner Hersh inquired as to the number of parking spaces the applicant was required to provide. She further inquired as to whether what was before them had been "okayed' as the final option.

Interim Town Manager Moore confirmed it had not been okayed. He advised that the applicant was required to have eight on-site parking spaces. Mr. Moore acknowledged that this was a small number and reminded the Commission that existing buildings in the C-2 District that were converted to retail, restaurant or personal services uses were not required to provide additional parking beyond what was already on site. He explained that his interpretation was that the Fun Shop had three unobstructed spaces on their site and advised that they would continue to have those. Mr. Moore further explained that the applicant was required to provide additional parking spaces due to the introduction of the residential component. He advised that the layout, as proposed, accommodated all the required parking. In response to an inquiry from the Commission as to whether it was reasonable to request he lease spaces elsewhere, Mr. Moore advised that the Town could not get involved in solving his problem for him. He further advised that the Commission could provide feedback on the site plan, including whether it met the requirements, whether the Commission was willing to grant waivers, and whether they were willing to approve the site plan as provided. Mr. Moore explained that the applicant could then work through what the options may be. He confirmed there were options that would allow for a driveway that was wide enough for a fire truck.

Commissioner Rocconi expressed concern that reducing the setback from the property line from three feet to one foot would prohibit passengers from being able to get out of their side of the car, which was a problem. He advised that as long as the fire and safety requirements could be met, he did not see an issue with the other changes.

Councilmember Hersh inquired as to whether Phase 2 would have a parking requirement and whether there was a proposed solution for it. He further inquired as to the access to that solution.

Interim Town Manager Moore advised that he was reticent to go into detail, as the Town had not yet received a formal application. He further advised that, as currently proposed, it would involve structured parking. In response to an inquiry from the Commission, he confirmed the driveway would not be used for other parking access and advised that, based on the initial concept he saw, access would be off The Plains Road.

Chair Jacobs suggested the Commission hold off on making a recommendation related to the two waivers the applicant was seeking from the Planning Commission until a meeting with the Fire Marshall took place. He asked for examples of such waivers that may have been granted over the last few years.

Interim Town Manager Moore advised that the Town had not experienced a situation over the last few years in which a business converted to restaurant or retail use that involved a new parking requirement. He noted that the Town did not see a lot of site plans in the C-2 District because most went from one use to the same use or changed to a use that was exempted from providing parking. Mr. Moore advised that the few site plans that had been received during his tenure involved conversions to office use or museum space and noted that they did not have the tight constraints that existed in the core of town. He advised that he wished he could provide a good example; however, he could not.

Chair Jacobs opined that the Commission could not rely on a precedent and suggested the need to treat this application very carefully. He noted the need to make certain the Commission took the right steps. Mr. Jacobs suggested the ordinance requirements were put into place for a reason and advised that he was reluctant to grant waivers unless the Commission was confident it was the right way to go. He acknowledged that a decision was not needed at this time and suggested they move on to a discussion of the requested Council waivers.

In response to an inquiry from the Commission, Interim Town Manager Moore advised that if waivers were granted for this phase of the project, they would not apply to the entire area. He explained that they would only apply in limited circumstances to this particular site layout. Mr. Moore noted that one of the Council waiver requests was duplicative of a Commission waiver and advised that he heard their concerns related to reducing the setback from five feet to three. He suggested he not take that to the Council until the Commission got answers, in particular from the Fire Marshall's office.

Remote Meeting Participation Policy

Chair Jacobs noted that the policy related to remote participation in meetings was not on the agenda.

Interim Town Manager Moore advised that he planned to place it on the November agenda.

Town Clerk North advised that the Commission last adopted the policy in November and confirmed it must be adopted at least once a year. She confirmed it would be fine if they did so by November of this year.

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

Disclosure of Meetings with Applicants

No meetings were reported with applicants.

Public Comment

Scott Little advised that he would reserve his time for an item that was further down the agenda.

Approval of Meeting Minutes

Vice Chair Woodruff moved, seconded by Commissioner Hersh, that the Planning Commission accept the August 24, 2026 Work Session & Regular Meeting Minutes as presented.

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

Public Hearings

Zoning Text Amendment 26-02: Amend Articles II and XI Pertaining to Definitions of Restaurant, Outdoor Dining and Rooftop Dining, and Associated Use Regulations and Design Standards

Planner Rogers reviewed the history of this item. She advised that the zoning text amendment before the Commission would change the definition of "outdoor dining", which was currently permitted at a restaurant outside a fully enclosed structure. Ms. Rogers explained that as proposed, it would remain in the same structure as previously presented and would be defined as being on a first floor, at ground level, or below grade, which would be permitted. She further explained that outdoor dining on the rooftop of a restaurant would be prohibited. Ms. Rogers reminded the Commission that they asked that the rooftop dining standards be included in the ordinance and explained that this was accomplished by renaming them as "outdoor dining on a roof", and using the same standards that were proposed in the text amendment they heard last month. She further explained that they were added into the ordinance so they would apply to any permitted rooftop dining as of the date of the ordinance amendment's adoption. Ms. Rogers reported that the staff provided two draft motions – one to recommend approval of the zoning text amendment to the Council and one to table action if the Commission felt it needed more work.

Scott Little, Managing Director of Salamander, 500 N. Pendleton Street, thanked the Commission for being deliberate in their discussions related to the application discussed in the work session. He opined that the Town staff did great work on the proposed amendment; however, he advised that the Salamander Resort had concerns about some of the new language, in particular as it related to outdoor dining. Mr. Little opined that a number of the standards would encumber the resort in a significant way and urged the Commission to have a discussion with the Town staff about some of the language. He asked the Commission to table action to allow that meeting to happen.

Nancy Gardner, 11 North Hamilton Street, urged the Commission to support the draft before them, which would restrict rooftop dining to the one existing one. She expressed concern about any delay. Ms. Gardner noted the need to "keep Middleburg, Middleburg."

Wendy Osbourne, owner of Chloe's of Middleburg, 12 E. Washington Street, thanked the Commission for listening to the public's comments during their last meeting. She expressed hope that they would move forward and recommend approval of the zoning text amendment before them to the Council. Ms. Osbourne advised that she fully supported the prohibition of rooftop dining and noted that she did not want to see Middleburg's character changed from being a beautiful, historic, quaint town. She advised that she was not sure how the proposed amendment impacted the Salamander Resort and implored the Commission to move forward with the approval of the ordinance as proposed.

John Ross, 1 Orange Drive, opined that the definitions and scope of work prepared by the Town staff were outstanding. He questioned whether there was a definition for "rooftop." Mr. Ross advised that he used to live beside a restaurant in Upperville and noted that he had to keep his windows closed all summer long; otherwise, he felt like a guest at someone's yard party. He expressed concern about the concentration of restaurants in this area of town. Mr. Ross inquired as to what provisions were being made for parking.

No one else spoke and the public hearing was closed.

In response to an inquiry from the Commission, Mr. Little confirmed the Salamander Resort was not planning any rooftop dining. He opined that the definition of "outdoor dining" could be construed to include some of the activities at the resort, such as outdoor weddings in a tent and other food activities. Mr. Little noted the definitions of service areas being outdoors and advised that the resort did a lot of that. He expressed concern that the hours of operation could affect their outdoor events that were on hard surfaces and questioned whether their culinary garden would no longer be a serviceable place because it contained a crusher run surface.

Interim Town Manager Moore advised that in crafting the proposed language, the staff concentrated mainly on the restaurants in the core of the downtown area. He expressed an understanding of Mr. Little's concerns; however, he noted that this was a high priority for the Town Council. Mr. Moore advised that special events, such as weddings, were not considered to be part of the restaurant; therefore, they would be exempt from this ordinance. He confirmed the noise ordinance requirements would still apply. Mr. Moore suggested that an amendment be proposed to the draft ordinance to insert the phrase "in the C-1, C-2, and C-3 Districts" into subsection E related to the use and design standards for outdoor dining. He further suggested this phrase be inserted into Section 5 related to live music, vocals, and performances. Mr. Moore opined that this would address the resort's concerns. He suggested that with those additions, the proposed zoning text amendment could continue to move forward. Mr. Moore opined that his proposed solution would address the resort's largest concerns and advised that there was no intent to impact Salamander's operations through the introduction of standards in the core downtown area.

In response to an inquiry from the Commission, Interim Town Manager Moore confirmed the new performance standards would apply to existing operations in the core downtown area.

In response to an inquiry from the Commission, Mr. Little opined that the proposed solution was excellent. He agreed the consequences were unintended. Mr. Little expressed concern about a future interpretation of Section (E)(1) related to a "hard surface" and noted that there were lots of grassy surfaces at the resort where outdoor events occurred.

Planner Rogers reminded the Commission that the ordinance was intended to address permanent outdoor dining areas at a restaurant. She noted that Mr. Little was talking about special events areas. Ms. Rogers advised that those were temporary; therefore, the proposed standards would not apply to them.

Mr. Little agreed; however, he noted that he wanted to make sure the written word could not be reinterpreted in the future. He further agreed the staff's proposed solution would address the resort's principal concerns.

Chair Jacobs expressed concern about how the amendment would be interpreted in the future. He advised that he would like to get clarity on the intent and not leave it to a future decision. Mr. Jacobs opined that Mr. Little raised a legitimate point. He noted that he did not want to hold up the standards discussion; however, this was a significant issue the Commission should fix.

After some discussion, the Commission agreed the phrase suggested by the staff should apply to everything by adding it to the entirety of Section E, as opposed to the subsections.

In response to an inquiry from Mr. Little, Interim Town Manager Moore advised that the resort was in the Agricultural Conservancy District, not in a commercial district. He further advised that the AC District would not be applicable to the proposed ordinance.

Mr. Little agreed the proposed solution worked.

Commissioner Rocconi noted the HDRC's ruling that none of the activities on the Fun Shop roof could be seen from the street level. He questioned whether this was contained within a different section.

Interim Town Manager Moore explained that this requirement was contained within the Historic District Guidelines. He further explained that that language stated that none of the outdoor elements, such as umbrellas or tables, could be seen. Mr. Moore noted that the Fun Shop building contained a high parapet wall; therefore, this should not be an issue.

C*ouncilmember Hersh moved, seconded by Councilmember Basinger, that the Planning Commission forward ZTA 26-02 to Council recommending approval as contained in Draft 3, with the modifications as made this evening to the C-1, C-2 and C-3 Commercial Districts, dated September 10, 2026.*

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

In response to an inquiry from the Commission, Interim Town Manager Moore confirmed the Council would also hold a public hearing on this item.

Council Representative Report

Councilmember Hersh reported that the Town Council had re-opened the solicitation for applications for the Town Manager position.

Discussion Items

Interim Town Manager Moore noted that former Interim Town Manager Foster had ended his tenure with the Town when the Council made the decision to restart the recruitment process. He advised that he was now filling that role until someone was hired to fill the position permanently or he was removed. He reported that because of this transition, he had not been able to make much progress on the Comprehensive Plan updates. Mr. Moore advised that he would try to circle back to them this coming month. He noted that while they were close, some additional refinements were needed for a few of the chapters based on the feedback from the Commission. Mr. Moore expressed hope of bringing this back to the October meeting. He advised that the staff had begun to have internal discussions about how a public input session or presentation on the proposed plan may look and reached out to some consultants who may be able to assist with that process. In response to an inquiry from the Commission, Mr. Moore advised that he was not positive as to when the public session would be held and explained that it would be dependent on how soon the staff could get the final versions of the draft chapters to the Commission. He advised that he was initially shooting for early December; however, it may be pushed to January.

Town Clerk North reminded the Commission of the Annual Volunteer Appreciation Reception to be held October 29, 2026 and noted that the members should have received their invitations. She expressed hope of seeing the members there. In response to an inquiry from the Commission, she advised that the theme was "Red, White & Service" in recognition of the Americas 250 celebration this year.

Quorum for September Meeting

In response to an inquiry from the Commission, Interim Town Manager Moore advised that typically the Commission met on the third Monday in December. He noted that sometimes, that meeting was cancelled due to the lack of applications.

All the members of the Commission confirmed they would be present for the October 26th meeting.

There being no further business, Chair Jacobs adjourned the meeting at 7:30 p.m.

RESPECTFULLY SUBMITTED:

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Rhonda S. North, MMC, Town Clerk

Attachment: September 28, 2026 Meeting Transcript

(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)

Bud Jacobs: Okay, it's 6:30, so I'm going to call the work session in order. Rhonda. Where'd my agenda go?

Carolyn Hersh: Oh, no.

Bud Jacobs: Would you call the roll Rhonda?

Rhonda North: Chair Jacobs.

Bud Jacobs: Present.

Rhonda North: Vice Chair Woodruff.

Don Woodruff: Present.

Rhonda North: Commissioner Bassinger.

Kim Bassinger: Present.

Rhonda North: Commissioner Hersh.

Carolyn Hersh: Here.

Rhonda North: Commissioner McMahon.

Drew McMahon: Here.

Rhonda North: Commissioner Rocconi.

Mike Rocconi: Here.

Rhonda North: Council Member Hersh.

Chris Hersh: Present.

Bud Jacobs: Thank you very much. We have one discussion item this evening for our working session, which is the review of the site plan approval for 115 West Washington Street. Will or Amy, you want to walk us through this?

Will Moore: Sure. Thank you, Mr. Chairman. We reported to you back in June of the site plan application that had been filed at that time. It had been through its first round of review, both by our internal staff as well as external agencies. Most notably our Town Engineer Consultant and the Fire Marshal's office. And as reported at that time extensive revisions were anticipated to be necessary to get to an approvable form. The

applicant did resubmit in late August, a second iteration of the site plan. And that has now been through review. As I noted in my memo there are still some outstanding concerns, particularly from the Fire Marshal's office. And in particular with the required width of access for fire apparatus into the rear of the property as well as fire hydrant coverage not being close enough of one portion of the building not being close enough to a hydrant. Once the hose is extended, there's a certain way of measuring, they call it as the hose lies, and it wouldn't meet that distance. As I noted in my memo, the applicant is requesting a code modification from the Fire Marshal's office. With regard to those requirements, I am not familiar with that process, but I do have a message into the Fire Marshal's office, and I anticipate a discussion with them as soon as tomorrow to discuss how that might work. But in the meantime, I wanted to get your initial input. The applicant, as the site is laid out currently, would require a couple of waivers from the Commission. There are certain aspects that the waiver authority is given to the Commission, and then there are a couple of waivers that would need to go to the Town Council for consideration. As noted in the memo, the ones for the Commission to consider are a waiver of providing a required loading area. So it's very common, particularly in new development bare ground when you're laying out a site if it is a type of business that requires it's normal operation that there would be goods or merchandise delivered to or going from the site that, in addition to just typical off street parking spaces for vehicles, that there will be a loading area provided that's so that a larger vehicle, a truck of some sort that would be dropping off goods or taking goods out would have a dedicated space to park. In this case, we do have a waiver provision. As noted in the memo, it's kind of recognizing the town is nearly built out and that when you are reusing a site, there are oftentimes a lot of restraints. And there's a particular section that authorizes the Commission to waive loading requirements where provision of a loading area is not feasible because of location of existing buildings and structures. I'll bring up the site plan on screen here in a moment, but as I noted in here, staff would be we're not requesting your action on waiver at this time. Staff is generally supportive of this waiver request. Although it does provide some challenges in town when restaurants, for example, are getting deliveries particularly on Washington Street and there's not sufficient space to pull in. But it is something that we're used to managing here. So, there are some restraints on this site, which again, as it is currently laid out, would call for your consideration of that waiver. The second one is a reduction in the perimeter landscape width. So again, a new site under development, there would be a minimum five-foot perimeter landscape strip that would be required to be provided between any parking area and abutting properties. And in this case, there's a common boundary, the eastern boundary of the property with the post office and with the bank. The bank owns the southern part of that parking lot adjoining the property. Because the applicant is trying to get in some parallel parking spaces along the rear entry drive, he's requesting the revision or reduction to a minimum of three feet rather than five feet. And again, we'll bring that up on screen for you. In fact, I will do that right now. [off mic] I'll try it again here. Pardon. Little issue with technology it appears.

Rhonda North: [off mic] to turn it off.

Will Moore: What are you asking me to turn off?

Rhonda North: No, I said [off mic] I've got it.

Will Moore: Oh, you're going to turn it off. Got it. Okay. Okay. Alternatively, can I ask you to pull up your excerpted sheets? Attachment to this agenda item. Apologies for this. Is everybody able to bring up the attachment? Okay. Thank you. Again, apologies. So, if you look in the upper right screen of either sheet we'll just stick maybe with sheet one if that's the easiest, you'll see the entry drive kind of in the light gray coming in off of what is a West Federal Street. You'll also notice almost immediately on the upper portion, which is the east of the drive aisle, you'll see kind of that triangular hatched area. And then there are three parking spaces, parallel spaces directly in front of that. So, it is it's that border with the properties just to the top of the screen where the applicant is requesting that reduction in width from the five-foot required perimeter landscape strip to a three foot. And again, this is to accommodate the proposed parallel parking

spaces in that area. The applicant is going out of his way to try to minimize the amount of disturbed area on the site for this first phase. In order to avoid requirements for a grading permit. So, when you reach a certain threshold of 5,000 square feet of disturbed area that requires you to get a grading permit from the county. So, he's doing what he can to avoid that, as well as he's trying to avoid utilizing more of the site. Because we know from a separate meeting, we've had with him that he kind of has a phase two envisioned. So, some of the bare area of the site, which is toward the bottom of your screen. He has future plans for there. So, he's trying to avoid providing additional parking in that area right now because he's envisioning a potential structure there in the future. So that's the purpose of the request for that waiver for the reduction in the width of the landscape strip. I'll also highlight again, coming in off of West Federal Street in the area where you see the triangular hatched area. That is where there's a reduction in the travel lane width to just over 13ft, which is one of the major issues for the Fire Marshal right now. So, typically we from planning side, town side would require a minimum of a 19-foot travel aisle for two-way traffic. But then the Fire Marshal, if it's part of a required fire lane, requires a minimum of 20ft of unobstructed access. So, I am not sure how his code modification request is going to be received by the Fire Marshal, whether favorably or unfavorably. He's making the argument that because of the existing building, that is the house that sits along that drive aisle, as well as the parking, he's unable to provide the required width. It's hard to argue the parking obstructing the width when you are putting parking there new. It's not like an existing condition. The house is an existing condition. So again, I'm not sure how well that is going to be received. I will say that from a staff standpoint regardless of how this site is laid out, we would generally be supportive of the waiver request for the off-street loading. Just because it is tight. They're tight turnarounds in there. And we would almost rather have the truck parked along Federal Street unloading more so than Washington Street but then unloading rather than fronting into an area where they don't have sufficient area to turn around, which would then require them to back out onto the public street. So, we would generally be supportive of that request. If for some reason he is successful in getting his code modification request from the Fire Marshal's office, we would have no objection to the reduction in width from 5ft to 3ft. It's pretty minimal. However, there are some requirements that he must demonstrate. And we would bring that back to you at a future time just to advise you on whether he meets those requirements in terms of there being an opaque fence and landscaping within that narrow strip. But we would bring that back to you in the future. But again, we wanted to give you a heads up on where the plan is as of now. We would also like as part of your discussion, once I'm finished kind of presenting this to you, your feedback on the waiver request that would be potentially going to the Council as well. Those may go to the Council sooner than later. And I would anticipate that rather than just presenting it to them cold, they would want the Commission's kind of recommendation when it comes to those waivers. The waivers that would be required of the Council, one of them is pretty much duplicative of the reduction from 5ft to 3ft. But in that one, it's called a let me make sure I get this right. It's just that parking spaces must be set back a minimum of five feet. So, it doesn't have to do with the landscape strip necessarily, but it's pretty much duplicative. It's a separation from parking to an adjoining property of from five feet reduced to three feet. Again, kind of duplicative, but I wanted to make you aware of that. The other one has to do with setbacks from of parking area to surrounding buildings. So, the code again requires eight feet from separation from parking area, which includes travel aisles is where as well as parking spaces to any adjoining buildings that's a really tough threshold to meet again on a site that's being reused. So, going back to your plan again, you'll see at the rear of the home at 114 West Federal Street. There's a dark rectangle there, which is a proposed garage addition to that home. And in that area, it would be reduced to only a one-foot physical separation, basically a one-foot curved separation from the adjoining parking space to that garage, and then on the opposite side of that bank of parking spaces adjacent to the handicapped parking space that's shown. Again, this would be reduced to a little more than a foot, maybe two feet in that area. Separation between that handicapped parking space and the building. In both cases, there would be a curb separation. But it still would not come anywhere near meeting the eight feet requirement in the ordinance. Staff recognizes again with reuse of sites meeting that requirement would be very difficult when also needing to provide off-street parking, which the applicant does have to do in conjunction with this request. So, we would be taking those waiver requests forward to Council again, reduction of the setback from the

property line from 5ft to 3ft, and reduction of setback from adjoining buildings from the requirement of eight feet to a minimum of one foot. So would love to have your discussion receive any inputs and then potentially a recommendation to take to Council regarding those waiver requests.

Bud Jacobs: Starting with the Commission waivers. Does anybody have any thoughts, comments, reactions, please?

Carolyn Hersh: Well, have we already made the decision on the parking? How many parking places are they required to have? And my understanding was that they had to be nine feet in width, not eight feet. When I went back and looked at the code.

Will Moore: Which spaces are I? I think the.

Amy Rogers: Yeah. Parallel parking spaces can be eight feet in width and pull in spaces are nine feet in width.

Carolyn Hersh: Okay. The parallel parking can be eight feet.

Will Moore: Correct. That's standard. That's an 8 foot by 22-foot space is typical for parallel parking. So, what you see on street, for example, in the town is only 8 feet wide.

Carolyn Hersh: Yeah, but there's usually ability to get out the other side.

Will Moore: Yes.

Carolyn Hersh: This is putting it just seems like it's putting more people or more things out in the middle. I guess my bottom line is I am really concerned that if the Fire Marshal says this is not big enough. I've lived in a town where houses were this close together. If the fire truck can't get in here, we may engulf a number of buildings. This isn't.

Will Moore: Right.

Carolyn Hersh: We don't have feet, yards between buildings. I've watched it happen in my neighborhood. So, I have this concern.

Will Moore: No, no. Absolutely. Absolutely. And I am I'm very interested to have that discussion with the Fire Marshal as to how they're going to receive that code modification request. I just, I don't.

Carolyn Hersh: Is that nothing that does not relate to us at all? I guess that's what I'm.

Will Moore: Yeah.

Carolyn Hersh: To me that because it's a parking. If this square is here, that's what narrows it to 13ft.

Will Moore: It does.

Carolyn Hersh: And that's crazy.

Will Moore: We've looked at this. And there is sufficient width actually, without even widening the pavement. And what I mean by that is there's sufficient width to still have the five-foot required setback. If

they don't put the parallel parking along there, there would be sufficient width to meet the Fire Marshal's requirement and still have the five-foot setback that's required.

Carolyn Hersh: Okay. So, I guess my question is, has this? How many parking places are they required to have? And has this already been okayed as the final option?

Will Moore: No, it's not been okayed yet which is why, you know.

Carolyn Hersh: Okay, so how many are they required?

Will Moore: They're required to have what you see on site I think here, which is eight. So, it's a small number. For those that we might not have had this discussion with in the past our ordinance in the C-2 district allows for existing buildings to be converted to retail, restaurant, or personal services without the need to provide additional parking from what is already on site. So, the interpretation was that the Fun Shop had three unobstructed spaces on site and they would continue to have to have those three spaces. He then has to provide additional spaces for the introduction of the residential component. So, it's a very small number of spaces. But this, the layout is shown accommodating all the required number of spaces.

Carolyn Hersh: Is it reasonable that we request that he, I don't know, lease parking from somewhere else to cover just these last two?

Will Moore: I don't know that we would get into solving the problem for him. What we can do is provide feedback on the site plan as to whether or not it meets our requirements, whether or not you're willing to grant a waiver or waivers, and ultimately, whether or not you're willing to approve the site plan as provided. And then he can work through what those options might be, whether it's acquiring spaces off-site, whether it's paying the in-lieu fee for parking, which goes into a fund which the town uses to acquire and maintain public parking. Those kind of things.

Carolyn Hersh: There are other options. So, we might be able to keep the enough driveway for the fire truck to get in and function.

Will Moore: Yes.

Carolyn Hersh: Mr. Chairman, that's my issue.

Bud Jacobs: Thank you very much for your comments. Others. Anyone, please.

Mike Rocconi: Thank you. Yeah, I hadn't thought of that until Commissioner Hersh just mentioned if reducing that 3ft to 1ft prevents people from being able to get out of that side of their car. I see that as a problem. So, I agree with that. Otherwise, as long as the fire and safety requirements can be met, I don't see an issue with the other changes.

Bud Jacobs: Thank you. Any other? Council member?

Chris Hersh: This is a question. You mentioned phase two. Does phase two have and may not be germane to this, but does phase two have a parking requirement? Is there a proposed solution to that? And what is the access to that solution if there is one?

Will Moore: I'm reticent to go into detail because we don't have a formal application yet. I will say that it involves, as proposed right now, it involves structured parking. So, that's about.

Chris Hersh: The question is really getting at, is this driveway going to be used for other parking access?

Will Moore: It would not that access would be again, in the initial concept we saw would have been off the Plains Road. Okay.

Bud Jacobs: Any other comments? I have a couple Will. First of all, thanks for bringing this forward with enough time for us to consider it. I'm happy to hold off discussion of any solid recommendations or not recommendations, approvals of the two waivers that he's seeking from us until the meeting with the Fire Marshal takes place with the applicant. You mentioned that this has been a fairly frequent problem with other businesses in town. I forget how you put it. Can you give us some examples or some idea of how many of these kinds of waivers might have been granted with businesses starting up over the last few years?

Will Moore: So those starting up over the last few years, there haven't been any we've not had a similar situation where you had a business being converted to a restaurant or retail, etc., where that portion didn't invoke a new parking requirement, but a residential, another portion of it did. So, most of the site plans and we, quite frankly, we don't have a lot of site plans come through because generally in the C2 district, the property is going from one use to the same use or from one use to another, which is exempted from parking. The few site plans that we've seen during my tenure here have been down, for example, toward the east end of town when the Country Inn was converted to office use and they had to do a site plan behind it when the residents where the Foxhounds Association is now just across the street across the other side of Jay Street, there was converted to office and museum space, they had to do a small site plan for development. And those were sites that didn't really have those kind of tight constraints that we do further in the core of town where there are so many additional businesses. So, I wish I had a good example to provide for you, but we don't.

Bud Jacobs: Thank you. That's fine. This suggests to me, then, that we since we can't rely on any sort of precedent and I don't mean legal precedent, obviously, we want to treat this very carefully and make certain that we're taking the right steps. And the ordinance has specific requirements in it that are there for a reason. And I'm kind of reluctant to just wholesale grant waivers to overturn some of those requirements unless I'm really, unless we are really confident that it's the right way to go. So, I'm happy also that we don't have to decide anything tonight. If that's all for Commission waivers, would you guys have any comments or want to discuss a bit the Council waivers that are requested? Was it about Commission waivers? You had your chance. I'm sorry.

Chris Hersh: Oh. [laughter]

Bud Jacobs: No. Go ahead. Go ahead.

Chris Hersh: If Commission waivers are given for this particular phase, if you will. Do they apply to the entire area?

Will Moore: No. It would only apply in the limited circumstances of this particular site layout that would go with it. If I may, I think I would based on the comments I've heard so far, because one of the Council waivers is again, essentially duplicative of a Commission waiver having to do with that reduction from a five foot setback to a three foot setback and hearing your concerns with the Commission waiver portion of that, I don't want to take that forward to Council until you get answers particularly from the Fire Marshal office discussion.

Bud Jacobs: So, is that okay with everyone? Yes. Yeah, that's a good idea. Well, thank you. Okay, so we're finished with our discussion item unless you have something else.

Will Moore: I do not.

Bud Jacobs: I wanted to ask you. I noticed we didn't do the remote participation in meetings item. I didn't see it on the agenda tonight.

Will Moore: I put it on a future agenda. I already have a placeholder. I can't remember which one I know Rhonda said we had to adopt it by a certain month, and I think I put it in.

Bud Jacobs: It's by the end of December. Is that when it has to be done?

Will Moore: I think it was November. Yeah.

Rhonda North: I think the last time you adopted the policy was November, and you have to adopt it at least once every year. So, I think if you do it by November of this year.

Bud Jacobs: Okay, great.

Will Moore: I'll double check. I think I have a placeholder already there. Yeah.

Bud Jacobs: I just wanted to demonstrate to you Will, that I do read the agendas, so.

Will Moore: You read Rhonda's email and that's a very wise decision. [laughter].

Bud Jacobs: And that's actually true. Well, if we don't have anything else, we can swing right into our regular meeting. I will call the regular meeting to order and ask everyone to reveal if they've had any discussions with applicants. Do you want to read them out Rhonda?

Rhonda North: Chair Jacobs.

Bud Jacobs: I've had no discussion with any applicants with any matters before this Commission.

Rhonda North: Vice Chair Woodruff.

Don Woodruff: I have had no meetings with applicants before this Commission.

Rhonda North: Commissioner Basinger.

Kim Bassinger: I've had no such meetings.

Rhonda North: Commissioner Hersh.

Carolyn Hersh: I've had no such meetings.

Rhonda North: Commissioner McMahon.

Drew McMahon: No such meetings.

Rhonda North: Commissioner Rocconi.

Mike Rocconi: I've had no meetings with applicants.

Rhonda North: Council Member Hersh.

Chris Hersh: I've had no such meetings.

Bud Jacobs: Thank you very much. We have a public comment scheduled for non-hearing related items. If anyone has anything that they wish to say to us not related to the zoning text amendment we're going to discuss later. Anybody sign up Rhonda?

Rhonda North: We do. Scott Little.

Bud Jacobs: Scott. Welcome.

Scott Little: Thank you, Mr. Chairman. Actually, I'll reserve my time for the public comment period on the proposed further agenda item later in the agenda.

Bud Jacobs: Okay. Remember to identify yourself when you come up the next time. Thank you. Any others? Thank you very much. Would anyone like to give me a motion for the approval of last meeting, last month's meeting minutes?

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

Carolyn Hersh: Second.

Bud Jacobs: All those in favor say aye.

All of Commission: Aye.

Bud Jacobs: Against? The motion is passed. Minutes are approved. And now we will swing into the public hearing on the Zoning Text Amendment 26-02, which pertains to definitions for restaurants and outdoor dining and such. Will, would you like to give us a brief summary or Amy? Sorry.

Amy Rogers: No problem. Chairman Jacobs, members of the Commission. As you know, this is one of the strategic initiatives that the Council adopted earlier this year. Last month we held a public hearing on a different text amendment, one that would require a special exception for rooftop dining. At that meeting, staff gave you three options whether to approve that text amendment, whether to table it or whether to repeal it back and suggest a new text amendment. The Commission voted to withdraw the previous text amendment for a special exception for rooftop dining. And then adopted a resolution, or I'm sorry, initiated an ordinance to do rooftop dining as prohibited. So, this text amendment in front of you tonight changed the definition of outdoor dining. And we did that because currently outdoor dining is permitted as a restaurant as service or consumption outside a fully enclosed structure. So, we kind of kept it in the same structure as it was before and defined rooftop dining, sorry, outdoor dining as first floor ground level or below grade would be permitted and outdoor dining on a rooftop of a restaurant would be prohibited. At that time, the Commission also asked last month that we include the rooftop dining standards in the ordinance. And we did that in this fashion by renaming them outdoor dining on a roof and the same standards that were previously in the text amendment last month were added in here so that they would apply to any permitted rooftop dining as of the date that this is amended, this ordinance is amended. So, anything going that that is permitted as of today or when the Town Council approves the text amendment would have rooftop dining standards that apply to it. So, staff has provided you two options. One would be to recommend approval of this and forward it to the

Town Council. And the other would be to table if you think it needs to be worked on. So, staff suggest you hold the public hearing and make a determination as to how you'd like to move this forward. I'd be happy to answer any questions now or at the discussion after the public hearing.

Bud Jacobs: Let's hold discussion until after we've heard from the public. I'm going to go ahead and open the public hearing and ask anyone who would like to speak to identify yourselves and let us know what you think. Scott.

Scott Little: Hi, Good evening. My name is Scott Little and I'm at 500 North Pendleton here in Middleburg. First of all, thank you very much for really being deliberate about the subject of your first part of your meeting tonight. I've been listening in all along and came in a little late here, but I appreciate that it's important and that there's probably a lot of tethered emotions around that complex issue you're working through. I will say, though, with some of the changes that have been made in the last month, and this is a credit to Amy and Will for great work on the text amendment tonight. We, the resort does have concerns about some of the new language being used, outdoor dining in particular. And you know, not to throw the baby out with the bathwater, so to speak. But there are a number of standards that have been written now that encumber the resort in a significant way. And I think it's quite unintentional that that has happened that way. I recognize the genesis of the questions and the issue that you're grappling with. I do recognize that, but I think there's some pretty significant unintended consequences. So, I would just urge the Commission to promote a sit-down with Will and Amy, to talk this through a little bit and make sure that it's not throwing the baby out with the bathwater, so to speak, and get through some of the language. And I would just urge you to table this for the evening so that we can get that meeting, make that meeting happen. And so that you could move on to your next process and forwarding this to this important work to the Council. That's it. Thank you.

Bud Jacobs: Thank you very much. To be clear, you would like this item to be tabled so that you have time to consult with Will and Amy? Okay. Thank you. Good. Anyone else? Please don't forget your name, rank, and serial number, please.

Nancy Gardner: Okay, got it, got it. Hi, I'm Nancy Gardner. I reside at 11 North Hamilton Street. And I just want to urge you to support the draft 3 that you have put to the amendment 602 supports the restrictions on the one existing permitted rooftop dining. And I really have thought this whole discussion was rooftop dining, and I'm a little concerned about any delay given the construction progress at the old, you know, site. And then also the denial of any future rooftop dining in Middleburg. Let's keep Middleburg, Middleburg. Thank you for all you do.

Bud Jacobs: Thank you very much. Anyone else? Wendy? She came here before you did this evening.

Wendy Osborn: Good evening, everyone. Chair Jacobs and Planning Commission. I'd like to thank you so much for taking the time to have heard me, and I guess anyone else within the audience, your last meeting concerning this issue. I would hope that you would move forward tonight and approve of what the Town Council's town zoning amendment was. Was it 26-02 draft number 3 that was drafted. I fully endorse the prohibition of rooftop dining, which I mentioned before. And as a business owner and someone who has, I don't know, come to Middleburg much of my adult life. I really don't want to see it change the character of our beautiful, historic, quaint town. And so again, I guess I'm also confused because I thought that we're asking for you to prohibit the rooftop and go with the proposal that you've come up with. So, I'm not so certain how it impacts. I think it's rooftop, so I'm not so certain how it impacts what is going on for the Salamander. And I hope it doesn't, but I'm not aware of rooftop existing. And I thought basically what had been put into the proposal was for rooftop dining. So, I do would like to implore you to go ahead tonight and approve it and move forward with what you have proposed. Thank you.

Rhonda North: Mr. Chair. Could we have the speaker state her name for the record, please?

Wendy Osborn: I'm so sorry. It's Wendy Osborn, 12 East Washington Street. I'm a business owner here at Chloe's of Middleburg. Thank you.

Bud Jacobs: Thank you.

John Ross: Thank you, Mr. Chairman. Members of the commission. My name is John Ross. I live at 1 Orange Drive. And I think the definitions and the scope of the work that have been prepared by the town staff is outstanding. I have a couple of questions, though. One, do we really do we have a definition for rooftop? What is rooftop? Second question is I'm really opposed to the general idea. Back in the Dark Ages, I lived in Upperville when Hunter's Head was being started, we were the house that was sort of next door to it. And with outdoor dining all summer long. We'd keep our windows closed, otherwise it seemed like we were guests at somebody else's party, yard party. The third thing I'm concerned about, really concerned about is the concentration of restaurants in the area around the former Salamander Market and what's being developed over the old Fun Shop. And that's parking, what provisions are we making for parking? And do we need to think about parking provisions when we consider issues like this? Thank you very much.

Bud Jacobs: Thank you very much. I think perhaps the Commission could have a brief discussion and see where we are. Is that okay with you Will, Amy? Anybody have any comments? Reactions to what we've heard this evening. Chris.

Chris Hersh: I have a question for one of the speakers, just in terms of with the concern about the Salamander, maybe not all the details, but can you share an example of what you're referring to?

Scott Little: Thank you, Chris. Yes. Just we're not planning any rooftop, that's for sure. [laughter] You can be rest assured there. The definition of outdoor dining could easily be construed. And when you start looking at it by the way, it's defined here as some of the activities that go on at the resort, outdoor weddings in a tent where food is prepared and served, where there are bars and there's food activations under this definition. It's not cloistered into the rooftop definition the way I, maybe I'm misreading it, but it's not. You know, I only received this Friday. I think it was made public in the agenda. So yeah, those definitions of service areas being allowed outside, outdoors, we do a lot of that as you might expect. Hours of operation are affected in this definition by our outdoor events that there's outdoor dining on hard surfaces. Does that mean the culinary garden at the resort is no longer a serviceable place, that's a crush and run surface, for example, not to be too specific tonight, but yeah, you're welcome.

Will Moore: Yeah. If helpful, I think we, in crafting I won't speak to the definition of outdoor dining, but in crafting the use and design standards, I think we were concentrating mainly on the restaurants in the core of downtown. And I certainly do understand Mr. Little's concerns. I also know that it is of high priority for Council for this to move forward as soon as possible. What I might suggest and let me just say on the record here, when there are special events such as weddings that's not considered part of the restaurant part, so that would be exempted from these. There are noise ordinance requirements that would still remain in effect which would not be affected by the kind of on-the-fly amendment that I'm going to suggest to you right now. And that would be that under letter E, which are the use and design standards for outdoor dining. I would suggest in number four that you insert language that says outdoor dining insert in the C1, C2, and C3 districts. And then I would also suggest in number five to insert language, live music, vocals, and performances in the C1, C2 and C3 districts. I think that would address a number of the concerns that the resort has. If there are still concerns with the addition of that language, I think those are things that we maybe could work through with a subsequent amendment, but this would be able to keep this amendment moving

forward, address probably the bulk of their concern. I don't want to speak for Mr. Little or his attorney's concerns, but I think that's going to address a couple of the large ones. And then we could still have our discussion. And if there are tweaks necessary, we certainly didn't mean to have any operational impacts on the resort with the introduction of these standards in the core of downtown.

Will Moore: We'll do these. Mr. Chair, may I?

Bud Jacobs: Please.

Chris Hersh: With these new performance standards, would people that are currently in operation be grandfathered to how they currently or would they have to follow these?

Will Moore: They would have to follow these.

Bud Jacobs: Scott, do Will's suggestions meet your concerns or are there others?

Scott Little: Those are excellent. You're right. I knew it was unintended. I just worried about how it would be read later down the road, but under E1 that it says that on private property and on a hard surface. We don't really know what a hard surface means. There are lots of grassy surfaces at the resort where we hold served outdoor events.

Amy Rogers: If I may interject here. So, this is intended for permanent outdoor dining areas at a restaurant. You're talking about special event areas that are.

Scott Little: Right.

Amy Rogers: They come and go. They're temporary. They're not there all the time. So, these standards in our, in my opinion, wouldn't apply to those type of things that you're talking about.

Scott Little: Yeah, I thought so. I think so too. I just wanted to make sure that the written word is correct and not something that could be reinterpreted downstream. So, the edits that were proposed by Will to E3 to include C1,C2 and C3. I think we agree with and on E5 adding C1 and C2 and C3, we agree with can if you could construe some way to soften the hard surface question. I think we our principal concerns could be resolved for tonight so that you could.

Bud Jacobs: Amy, I also would like to avoid future or requirements for future interpretation of these definitions. So, I would ask for you guys to figure out a way to insert what you said about the intent being for or directed toward permanent establishments, permanent restaurants, that kind of thing or.

Amy Rogers: The definition says, adjacent to a restaurant. And it also says accessory to a restaurant. So, when we, so again, it states the definition that it's to a restaurant. And again, they're talking about large scale events on the property outside of the restaurant use. So, again, our opinion, it already is for a restaurant.

Bud Jacobs: I guess what I'm saying is I'm not necessarily interested in our opinion as we draft these, but in how these might be interpreted by future opinions. And I'd like to get maximum clarity on what our intent is and not to leave some future decision to reading the goat entrails about what we might have meant on September 28th, 2026. That's all I'm asking. I think Scott makes a perfectly legitimate point. And I don't want to hold up any further discussion of the standards. I understand Council is anxious to get their eyes on them, but I think we've tripped over a fairly significant issue that perhaps we ought to take the time to fix. Please.

Carolyn Hersh: Is it possible just to add the C1, C2, and C3 in E, in that part and it just applies to everything below?

Amy Rogers: We can even say, subject to following use and design [inaudible] in the commercial districts, because that would. And again, looking at Will to see if he thinks that.

Bud Jacobs: That would do it for me.

Amy Rogers: That would take one through five out.

Will Moore: Just add it to letter E rather than any of the subsections.

Bud Jacobs: Yeah, just make it a blanket C1 or I'm sorry, C2, C3 or what was the word you used Amy? Commercial.

Amy Rogers: Commercial districts.

Bud Jacobs: Yeah. Scott. Busy consulting with his lawyer.

Will Moore: Sorry.

Bud Jacobs: Get up here. [laughter]

Scott Little: That's right. The resort is in.

Will Moore: The Agricultural Conservancy District.

Scott Little: Agricultural Conservancy District, not C1, 2 or 3.

Will Moore: Which is not. Clearly not. We have a certain chapter of our ordinance which is Commercial Districts. And you are not. The AC district is not within that chapter. So, it's clear that it would not be applicable.

Scott Little: Yeah, I think that works. So, I think I think you may have had the suggestion, Miss Hersh, to put the C1, C2, C3 designation up under all of E. Is that what I heard? [off mic] So I think that does it. I think that does it. Yeah.

Will Moore: We're perfectly fine with that. Yeah.

Bud Jacobs: Colleagues, does that work for you guys? Any other issues with these definitions, standards? Please.

Mike Rocconi: Just a quick question for Will and Amy. This might have come out of the Historic District Review Committee, but I seem to remember a ruling that none of the, and this gets back to the Fun Shop applicant, that none of the activity on the roof is to be seen from street level. Is that contained in a different section?

Will Moore: So that's in the Historic District Design Guidelines. And it talks about none of the outdoor elements which are the like the umbrellas that might go up above the parapet level of the wall will be seen or

extremely tall tables. It's a high parapet wall there. So, I don't think that's going to be an issue. So, it's the outdoor elements of that.

Mike Rocconi: Okay. Okay. Thank you.

Bud Jacobs: I would like to ask my colleagues if everyone is comfortable approving these or taking a vote on them. Yeah. All right. Will and Amy have kindly provided a draft motion if someone would care to read it. If someone would care to find it. [laughter]

Chris Hersh: I can do it.

Bud Jacobs: Chris.

Chris Hersh: I move that the Commission forward ZTA 26-02 to Council recommending approval as contained in draft three with modifications as made this evening to the C1, C2 and C3 or Commercial Districts dated 9/10/26.

Bud Jacobs: Second. Discussion. All those in favor say aye.

All of Commission: Aye.

Bud Jacobs: Opposed? The motion carries. And we can forward this to Council. For, do they have another public hearing on it? Okay.

Will Moore: Yes.

Bud Jacobs: Will, anything else?

Will Moore: That's all that I have.

Bud Jacobs: Good.

Will Moore: Oh. Well, actually.

Bud Jacobs: What?

Will Moore: You're going to go to move to discussion items?

Bud Jacobs: Yes.

Will Moore: Yeah. So just.

Bud Jacobs: Well, I was actually going to let Chris do his report.

Will Moore: Oh, okay. Yeah, let's have him do it. He might cover what I was going to discuss anyway, so.

Chris Hersh: Maybe not. [laughter] What I was going to bring up tonight was the fact that we're still working through Town Manager, that we've kind of moved to a second phase and it sounds like it's going to be opened back up potentially for additional applicants.

Bud Jacobs: Thank you. Nope. [off mic] Come on guys, let me get to discussion items. Discussion items.

Will Moore: Thank you, Mr. Chairman. So just following up on that Brian Foster, who was here for a period of time serving as Interim Manager, he has ended his tenure here. It was expected we had a pretty aggressive timeline for our desire to get a new manager on board. We thought we were going to be successful with that, but it turned out we were not. So, when Council made the decision to start relooking at the recruitment process Brian has stepped away now I'm filling that spot for now until the permanent manager is hired or until I do something really dumb to get removed from the position. [laughter] Hopefully the former, not the latter. But with that transition, this last month, we were unable to make as much progress as we had hoped on Comprehensive Plan updates. So, we're going to try to circle back around to that this coming month. Again, we're pretty close, but there's still some refinements to a few of the chapters based on the feedback from the Commission. So, we hope to bring that back as soon as your October meeting. Separately, we have started having some internal discussions about how a public input session or public presentation on the proposed plan might look like and having some reach out to some consultants who might be able to assist us with that process as well.

Bud Jacobs: Do you have any notional idea of when that public session might be held?

Will Moore: I'm not positive. It's going to depend on how soon we get back to you with hopefully close to final versions of all the draft chapters. We had initially were shooting for maybe early December time frame. That's a little challenging time of the year we might get pushed into January or so, but we'll see.

Bud Jacobs: Well, that would be fine. I don't think you need to worry about making any bad mistakes in your Interim Manager tenure, because someone would have to be able to identify those mistakes. And I seriously doubt any of us are up to it, so. Oh.

Rhonda North: Oh.

Bud Jacobs: Yeah. Scratch that, Rhonda, didn't mean to say that.

Will Moore: She's actually keeping me on the straight and narrow more than identifying mistakes, but yes.

Bud Jacobs: Been there, done that.

Rhonda North: Mr. Chair?

Bud Jacobs: Yes.

Rhonda North: I'd like to remind the committee of the volunteer appreciation reception that's scheduled for October the 29th. You all should have each received an invite, and we hope to see you there.

Bud Jacobs: Is there a theme this year?

Rhonda North: Red, White, and Service. In recognition of the America's 250th this year. [multiple speakers]

Bud Jacobs: Red.

Rhonda North: Red, White, and Service.

Bud Jacobs: Let's move on to discussion of quorum. And I've actually got a broader question. We'll meet in October and in November. Do we have a December meeting traditionally?

Will Moore: We have traditionally had one on the third Monday rather than the fourth. But sometimes we've canceled with a lack of agenda items. But we usually move it up one week.

Bud Jacobs: Okay. With respect to our planned meeting or proposed meeting on October 26th, can everybody make it? Great. I'll be here, too. So, the next meeting will be October 26th, that's the good news. When's our tournament again? The 28th.

Don Woodruff: Yes.

Bud Jacobs: Okay. And with that, unless there are any other issues, I'd like to close the meeting.