



**TOWN OF MIDDLEBURG
PLANNING COMMISSION
REGULAR MEETING MINUTES**



**MONDAY, FEBRUARY 22, 2021
PENDING APPROVAL**

PRESENT: Terence S. Cooke, Chair
Edward R. Fleischman, Member
Rachel Minchew, Member
H. H. "Dev" Roszel, Member
Mimi Dale Stein, Member
Morris "Bud" Jacobs, Councilmember

STAFF: William M. Moore, Deputy Town Manager/Town Planner
Rhonda S. North, MMC, Town Clerk
Estee LaClare, Planning & Project Associate

ABSENT: Donald Woodruff, Vice Chair

The Middleburg Planning Commission held their work session and regular meeting on Monday, February 22, 2021. Due to Governor Northam's executive order requiring that people social distance, the meeting was held remotely with most members of the Commission participating from their respective homes/offices.

Chair Cooke explained for the viewing audience that it was the Commission's responsibility to conduct essential public business despite the COVID-19 pandemic; however, it recognized the need to do so safely, not only for its members but also for the Town staff and members of the public. He further explained that to that end, in accordance with the Council's resolution declaring a local emergency and ordinance implementing emergency procedures and effectuating temporary changes to address the continuity of governmental operations, the Commission would hold its meetings via remote access until such time as the Governor rescinded his executive orders. Mr. Cooke advised the viewing audience that copies of the agendas were available on the Town's website and that the meetings would be livestreamed and recorded for viewing on the website. He explained that anyone wishing to participate in the meetings during the public comment periods or the public hearings, if applicable, could do so by dialing (301) 715-8592. Mr. Cooke reviewed the process that would be utilized for the remote meetings. He called the work session to order.

Town Clerk North called the roll at 6:34 p.m.

Discussion Item

Potential R-2 District Zoning Ordinance Amendments

Deputy Town Manager Moore reminded the Commission that the Council prioritized the examination of the zoning requirements for the R-2 Residential District as they were concerned about the scale of infill/redevelopment of properties over the past decade, particularly in the Ridgeview Subdivision. He reported that at the Commission's request, the staff photographed some infill/redevelopment properties and noted that all were developed in accordance with the zoning regulations. Mr. Moore advised that he was not disparaging the properties and was only providing them as visual examples. He reviewed each of the properties.

3 Reed Street – Deputy Town Manager Moore reported that the lot was 9,000 square feet in size and the house was twenty-six feet in height at the attached garage. He opined that it was not imposing from the street as it stepped back toward the rear. Mr. Moore reported that it was constructed to the minimum side yard requirement of seven and a half feet and the minimum front yard setback of twenty feet. In response to an inquiry from the Commission, he explained that this lot was originally a part of the lot that contained the house that fronted on Washington Street; however, the property was legally subdivided to create this separate lot. Mr. Moore reviewed the process for a minor subdivision; and, noted that they were approved administratively if they met the zoning ordinance requirements.

102 Chestnut Street – Deputy Town Manager Moore reported that this house was almost twenty-nine feet in height, which was only one foot below the maximum allotment, whereas the houses on either side were eighteen feet in height. He advised that the lot was 7,500 square feet, as were most of the lots in the Ridgeview Subdivision.

The Commission opined that what was the most disturbing about this house was that it was in between two smaller houses.

Deputy Town Manager Moore reported that the house complied with the zoning ordinance. He advised that the side yard for the driveway side of the property was twelve and a half feet and the left was the minimum of seven and a half feet. Mr. Moore advised that the lot coverage was 25.5% and reminded the Commission that the maximum was 30%. He further reminded them that “lot coverage” was defined as the area that was under roof.

The Commission held some discussion as to how building height was measured. Deputy Town Manager Moore advised that Middleburg’s measure was unique in that most localities measured to the mid-point between the peak and the eaves; however, Middleburg measured to the highest point on the roof, with exceptions for chimneys, etc.

103-107 Reed Street – Deputy Town Manager Moore reminded the Commission that the three houses were constructed in quick succession. He advised that all had the same footprint and massing. Mr. Moore noted that the house located at 109 Reed Street, while new construction, was built on a previous foundation. Mr. Moore reported that the lots were all 7,500 square feet and that the houses were built to the maximum setback, building height and lot coverage requirements and the minimum side yard requirement.

The Commission expressed concern regarding the number of aerial telecommunications utilities on the street and questioned whether the Town had any control over them. Deputy Town Manager Moore advised that the Town regulated them through the issuance of a franchise. He noted that the Town recently approved a franchise for the construction of fiber to the public schools. The Commission asked that the staff research whether franchises existed for all the lines.

The Commission suggested that because these houses did not have smaller ones on either side, they did not look out of place. They further suggested that if the concern was the construction of larger houses, this was a different conversation.

Deputy Town Manager Moore noted that one way to look at this was from the standpoint of the circulation of air and light, which could affect the rights of the neighbors. He noted that the houses on Reed Street allowed for less circulation of air and light.

In response to an inquiry from the Commission, Deputy Town Manager Moore reported that the three homes on Reed Street underwent architectural review by the HDRC. He noted that the remainder of the Ridgeview Subdivision was not in the Historic District.

The Commission expressed concern about the population density resulting from the houses on Reed Street and suggested the aesthetic issue was one of crowding. They acknowledged that while family sizes were generally smaller than in the past, most people desired larger sized homes.

105 Sycamore Street – Deputy Town Manager Moore reminded the Commission that this was a case of a house that was torn down, with another then being built in its place. He reported that it was constructed to the maximum height requirement. Mr. Moore advised that the lot was 11,250 square feet. He reported that the side yards were eleven point seven feet on the left and eighteen feet on the right and that the front yard setback was twenty-four feet – all above the minimum requirements. Mr. Moore advised that the lot coverage was 19%. He reported that the building height of the adjacent home was eighteen feet. Mr. Moore opined that this was an example of an opportunity to look at the regulations and suggested they be amended to relate the height requirement with the side yard requirement.

Commissioner Fleischman reminded the members that he lived across the street from this home. He advised that originally, it was a smaller house and reported that ultimately, it was cheaper for the homeowners to tear it down and rebuild than it was to bring it up to code. Mr. Fleischman noted that the lots on Sycamore Street were larger than those found elsewhere in the Ridgeview Subdivision. He advised that he and his wife often visited homes when they went up for sale and reported that many contained building code violations. Mr. Fleischman advised that while it would be nice to keep the older homes, most people wanted larger ones. He suggested the need to consider this before recommending ordinance changes.

208 Locust Street – Deputy Town Manager Moore reported that the building height was thirty-five feet and noted that this home was constructed before the height restriction was reduced from thirty-five to thirty feet. He advised that the lot was 12,600 square feet, with the left and right-side yards being setback greater than the minimum. Mr. Moore advised that the lot coverage was 15%. He noted that while the adjacent house was only twenty feet high, the appearance was not as imposing due to the additional space between the houses.

601 Martin Avenue – Deputy Town Manager Moore reminded the Commission that this house was currently under construction. He reported that two lots were consolidated to create one 15,000 square foot lot. Mr. Moore advised that the building height was twenty-nine feet, the left yard setback was the minimum, the right yard setback was fifteen feet, and the front yard setback was the minimum of twenty feet. He further advised that the lot coverage was almost the maximum of 30%. Mr. Moore reported that the property owners also planned to construct a swimming pool in the back yard; however, this would not count toward the lot coverage. He noted that they would not be able to construct a shed as they were already at the lot coverage maximum. In response to an inquiry from the Commission, Mr. Moore advised that he verified lot coverage, based on the final survey, before he issued an occupancy permit.

The Commission questioned whether porches counted toward the lot coverage requirement. Deputy Town Manager Moore confirmed they did if they were covered. The Commission noted that in this case, the rear porch was covered. Deputy Town Manager Moore advised that he would check the building plans to determine whether that was allowed. In response to an inquiry from the Commission, he advised that when he considered the request for a local zoning occupancy permit, if he determined it was in violation of the lot coverage maximum, it would be addressed.

Chair Cooke suggested the members discuss the staff's recommendations.

Deputy Town Manager Moore reiterated that one of his ideas for addressing the Council's concerns was to establish a relationship between building height and the side yard requirement, with additional height being allowed when the side yards increased. He noted the need to do an analysis before he could recommend the proper numbers.

The Commission questioned the issue(s) that needed to be addressed. They further questioned whether it was building height, sprawl, size, or just new construction in general.

Deputy Town Manager Moore opined that it was combination. He noted that the Commission must determine the issue(s) and expressed hope that the photographs would help them identify the issue(s).

The Commission questioned how the Residences at Salamander would tie into the discussion. Deputy Town Manager Moore confirmed it would not as the Commission was only looking at amendments to the regulations for the R-2 District. He advised that the Residences at Salamander was zoned R-1 and R-3.

The Commission opined that scale and bulk concerns were impacting the aesthetics when new construction was compared to houses that have been in existence for fifty or more years. They noted that the challenge was that these were subjective issues. It was further noted that the owners of the smaller houses could enlarge them in the future, which would result in their blending in with the larger ones. They opined that this would be a difficult issue to address and questioned what would solve the problem.

The Commission questioned what was driving this and opined that it was two undeveloped lots that were across from the Murdock house that were proposed for construction. They questioned how the non-conforming lot ordinance played into this issue and suggested eliminating it would prevent the owners of older lots from having property development rights.

Deputy Town Manager Moore reminded the Commission that if a non-conforming lot was in a residential district, a single-family dwelling could still be constructed on it as long as the setback requirements were met. He noted that this was common in zoning ordinances as it was intended to protect existing lots. Mr. Moore reminded the Commission that for very small lots that were less than 80% of the lot size requirement, a single-family dwelling could still be constructed with reduced setbacks, which was not as common. He advised that the non-conforming lot language was a property rights item and noted that the second part of it was not causing the issues before the Commission.

In response to an inquiry from the Commission, Deputy Town Manager Moore confirmed the Commission could not address the lots near the Murdock house as the building permits had already been issued. He reported that houses would be constructed to the minimum front and side yard setbacks. Mr. Moore further reported that the buildings' heights would be higher in the rear and lower in the front.

Chair Cooke suggested the Commission discuss the staff's recommendation to establish a maximum lot size requirement to prevent the consolidation of lots to create one large one. He questioned whether there was a precedent to allow this to occur.

Deputy Town Manager Moore confirmed there was enabling legislation to allow for this. He noted that he had not yet performed an analysis to determine what the ideal lot size would be. Mr. Moore acknowledged that the house under construction on Martin Avenue was out of scale for the Ridgeview Subdivision. In response to a suggestion from the Commission, Mr. Moore confirmed the Town could not simply prohibit lot consolidations. He reminded them that they sometimes offered an opportunity for a more efficient layout and suggested the Town would not want to prevent that.

In response to an inquiry from the Commission, Deputy Town Manager Moore confirmed the Comprehensive Plan did not provide any guidance regarding lot size. He noted that it talked about items such as general character and density.

The Commission noted that the Comprehensive Plan was replete with references to preserving the character of the town. They further noted that one aspect of that character was the housing stock and how it was distributed throughout the town. It was suggested that there was an argument that if the housing went too far afield for the existing stock, it would impinge on the character of the town.

Councilmember Jacobs advised that he would support a reduced height requirement. He further advised that he liked the idea of having a maximum lot size requirement. Mr. Jacobs suggested the need to tweak the lot coverage requirement and opined that there was an opportunity to introduce a permeability requirement. He acknowledged that these items could be contested as being arbitrary and capricious should a developer decide to contest the Town's ordinances.

Deputy Town Manager Moore advised the Commission that it was important to prepare materials to support any proposed changes to help them make an informed decision and to protect the Town against claims the changes were made on an arbitrary basis.

The Commission questioned what would be lost if the height limitation were reduced. Deputy Town Manager Moore advised that the roof height was often driven by the architectural design. He confirmed that currently, a two-story house was the maximum that could be constructed. Mr. Moore cautioned that one effect of reducing the building height was that people would build flat roofs to achieve a two-story house, which would result in houses that looked like boxes.

The Commission suggested the need to take a field trip through the Ridgeview Subdivision. Deputy Town Manager Moore confirmed he would arrange for individual trips with the staff and a member or two of the Commission to avoid creating a quorum issue.

The Commission suggested it would be helpful if the staff showed them how any ordinance changes would affect development. They agreed that scale, bulk, and character were all issues.

In response to an inquiry from the Commission, Deputy Town Manager Moore advised that if he received an application for the construction of a home that was out of character with the Ridgeview Subdivision, he would have to issue a permit if it met the zoning requirements. He reminded the Commission that there was no aesthetic review of this area.

The Commission asked that the staff also conduct an analysis of the non-conforming lot provisions.

Chair Cooke adjourned the work session and called the regular meeting to order at 8:27 p.m. Town Clerk North called the roll.

Disclosure of Meetings with Applicants

The members reported that they had no meetings with applicants.

Approval of Meeting Minutes

Councilmembers Jacobs moved, seconded by Commissioner Roszel, that the Planning Commission approved the January 24, 2021 work session and regular meeting minutes; the December 21, 2020 work session minutes; and, the November 23, 2020 work session and regular meeting minutes as presented.

Vote: Yes – Commissioners Fleischman, Minchew, Roszel, Stein and Councilmember Jacobs

No – N/A

Abstain – N/A

Absent – Vice Chair Woodruff

(Chair Cooke only votes in the case of a tie.) (by roll call vote)

Council Representative Report

Councilmember Jacobs announced that the Council would hold a special meeting on February 23rd to update its strategic initiatives for 2021. He reported that there were two on the list that involved the Planning Commission – the Federal Street planning charrette and updating the zoning ordinances to comply with the Comprehensive Plan. Mr. Jacobs read the status report that was provided to the Council for these items. He noted that he would like the Mayor and Council to understand how difficult it will be to update the zoning ordinance.

Councilmember Jacobs reported that the proposed budget for FY '22 was on the Town's website and advised that the public was invited to comment on it during the Council meetings. He noted that it must be approved by June 30th. Mr. Jacobs reported that despite the effects of the COVID pandemic, the Town's finances were not bad. He advised that no tax increases were proposed for the coming year. Mr. Jacobs reported that real estate assessments were up for some. He noted that overall, the Town's revenues were projected to decrease by 9.4%.

In response to an inquiry from the Commission, Councilmember Jacobs confirmed that Business & Economic Development Director Gaucher left the Town to take a job with Fairfax County. He reported that the Council would discuss how it would like to reconfigure this position to achieve their goals in the future.

In response to an inquiry from the Commission, Councilmember Jacobs explained that the Town's revenues were projected to be down as the result of anticipated decreases in the meals, lodging and business license taxes due to the COVID pandemic. He reminded the members that the actuals could turn out to be better than expected.

Quorum of March Meeting

Those members who were present reported that they would be present during the March 22nd meeting.

There being no further business, Chair Cooke adjourned the meeting at 8:37 p.m.

RESPECTFULLY SUBMITTED:

Rhonda S. North, MMC, Town Clerk

Middleburg Planning Commission Transcript
February 22, 2021

(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)

Terry Cooke: Don, and perhaps he'll join us along the way, but I suggest we go ahead and call the meeting to order work session. And we'll begin our discussions tonight. First off, I need to announce that it's the Planning Commission's responsibility to conduct essential public business despite the COVID-19 pandemic. However, it recognizes the need to do so safely for not only its membership, but also for the town staff and members of the public. To that end, in accordance with the resolution confirming the declaration of a local emergency and the ordinance to implement emergency procedures and effectuate temporary changes to address continuity of governmental operations during COVID-19 as adopted by the Middleburg Town Council. The Planning Commission will hold its meetings via a hybrid system of in-person for those commissioners who feel safe doing so and remote access participation for the public and those commissioners who prefer remote access until such time as the governor rescinds his emergency order mandating social distancing. To ensure adequate social distancing, a maximum of 10 individuals will be allowed in the council chambers at any given time. Copies of the previously referenced documents are available on the town's website for those who wish to view them. The town will continue to live stream and record its public meetings, which are available for viewing along with the meeting agenda packet on our website at www.MiddleburgVA.gov. Members of the public who wish to participate in the Planning Commission meeting during the public comment period and or public hearings if applicable, and or applicants who are speaking on behalf of their application may do so by dialing the number published on the agenda. You will be placed on mute until such time as the public comment or public hearing is opened and your application is heard. To ensure trust in the process, the town clerk will do a roll call of the Planning Commission members at the beginning of the meeting and at least once an hour. In addition, I will ask each member by name if they have any comments or questions related to each item as we proceed. When anyone speaks, he or she is asked to first state his or her name for the benefit of the viewing audience. All votes of the Planning Commission will be taken by roll call. The town clerk will announce the member's name with the individual, then stating how they are voting. With that, we will proceed through our agenda. Give me one moment here. There we are. Our item is a we have only one discussion item, I believe, this evening, Mr. Chair, we do need to do the roll call. Oh, I'm sorry. Excuse me, Rhonda, will you please roll the call or call the roll or roll the call. [laughter]

Rhonda North: Chair Cooke.

Terry Cooke: Present.

Rhonda North: Vice Chair Woodruff. Absent. Commissioner Fleischman.

Ed Fleischman: I'm here. Thank you.

Rhonda North: Commissioner Minchew.

Rachel Minchew: I'm here. Thank you.

Rhonda North: Commissioner Roszel.

Dev Roszel: Here.

Rhonda North: Commissioner Stein.

Mimi Stein: Present.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Present.

Terry Cooke: Welcome, everyone. Thank you for being here. I think we are just about is our first anniversary of going to this [off mic] remote system. Golly. So, we really have to get together someday and become reacquainted. [laughter] But it may be a while, apparently. But thank you all for being on board this evening. As I started to say, we have one discussion item this evening regarding a potential R2 amendments. And Will would you like to introduce a discussion on that?

Will Moore: Yes, thank you, Mr. Chairman. Good to see everyone this evening. So, as we've discussed for several months now, the council has kind of prioritized for us an examination, if you will, of the zoning requirements in order to and this is specifically related to concerns that mayor and council have expressed over the scale of [inaudible] and or redevelopment properties that have been built over the past decade or more in particular, in the Ridgeview area. So, Ridgeview is zoned the entirety of it, R2 it is the predominant area of R2 in town, although we do have a couple of other small pockets, including the Village Hamlet, that is Chinn Lane Chin Court where Commissioner Roszel lives but primarily it's the Ridgeview Subdivision that is zoned R2. So, what we have done staff has done since the last meeting and at your request is to take a number of photographs of properties that I don't want to say that there are issues with the properties, the properties, as far as I can tell, a couple that were developed prior to my time here, as well as those that have been developed since, have all been developed in accordance with the applicable regulations. So, no issues in that regard, but they are properties that they have caused these concerns that Mayor and council are now expressing. And those concerns are shared by some citizens of the town as well, in addition to elected officials. So, I don't mean to disparage any of the properties that you see in these photos. These are just visual examples of ones that council is asking us to look at potentially addressing. So, Mr. Chairman, if it pleases you, what I would suggest is maybe I will share my screen and walk through those photos that were included in your packet. And then I'll also give you some additional analysis of these properties as we walk through. I did just email this additional analysis to each of you, but within the last half hour or so. So shortly before the meeting started. So, you may not have this in front of you as we walk through it, but you will have this analysis in your inbox, so, if that's okay with you, Mr. Chairman.

Terry Cooke: Yes. Will, please.

Will Moore: Okay, of screen sharing, working for everyone.

Terry Cooke: Yes.

Will Moore: Okay, excellent. So, the first of the properties that we're looking at here is number three, Reed Street. It is the building that you see set back and to the left in this first photograph. This was a fairly unique property. It is a little over 9000 square feet in size. The lot area, but it is slightly irregular shape. So, it goes back from Reed Street but then wraps around to the right, which will be behind the building that you see in the foreground. The building you see in the foreground is a detached structure that houses a residential unit, is detached from the principal dwelling on the property. This was done years ago where it was converted into a dwelling unit before we would not allow more than one dwelling unit on a lot in R2. So, the building again number three, Reed Street that you see set back. It is 26 feet in height. So, one of the things we're asked to look into are height regulations. This building is designed such that it's the height is not very imposing, I would suggest, from the street, because it steps up as it moves toward the rear. So, it's less than 26 feet in height at the attached garage that you see on the far left.

And then it steps up a little further as you go back. It's a one and a half story structure, only has about five hundred square feet of living space in the upper story. So, this is one that maybe is not quite so imposing as far as its mass. But we wanted to show you this. As a comparison again, it's twenty-six feet. The detached structure that you see in the foreground is 21 feet in height. A couple of other measurements that I will give you both the right and left side yards set back that you don't get a very good view of here. But let's maybe go on to the next page. Next image, slightly better. You can kind of see in the gap between the two buildings here. You see a portion of number three Reed Street in the background. That's where its kind of goes back and then wraps around to the right. So, again, this one was built right up to the minimum side yard requirements of seven and a half feet. And it was built, let's see, it was built right up to the minimum set back, which is 20 feet in this area again.

Dev Roszel: Will, can I ask you a question? This is Dev.

Will Moore: Of course.

Dev Roszel: The front house was that whole lot part of one piece and does the front house that fronts on Washington Street Route 50. [inaudible] this other one, was that a separate lot or is this house built on the same lot that, that first house was on? Because it has always been confusing to me, just by looking at it, that they were able to get that house in there.

Will Moore: Right. So, the main house, if you will, that [multiple speakers] appearance of these photos, it fronts on the Washington Street and the detached structure that you see on the right here are on the same lot. The house that was built here, the infill number three Reed Street used to be part of that same lot. So, this was a very large lot. They were able to illegally subdivide this through the minor subdivision process, putting one lot into two and to achieve this second lot, which exceeds the minimum lot area by a little more than a thousand feet. So, they subdivided this from the front portion and then built upon this. Okay. Thank you.

Ed Fleischman: Will [multiple speakers] I'm sorry. A little bit about how you subdivide. Does subdivision have to get approval by the planning person or the council? How does that work on a subdivision?

Will Moore: Of course, so there is within the ordinance, defined what's called a minor subdivision. So, if you're dividing one lot into two and it meets certain other criteria, those include it doesn't involve the extension of public utilities. It doesn't involve the extension or creation of a new street. It's less than one acre in size. A few other qualifying criteria, if a minor subdivision, meets those criteria, then it is a simple administrative approval. So, I would be the approving authority on that. If it doesn't meet any of those then it becomes part of the Planning Commission's authority.

Ed Fleischman: And where are the administrative requirements regarding that. Where can I find that?

Will Moore: That is in the subdivision and site plan ordinance.

Ed Fleischman: Okay.

Will Moore: I can better direct you to that. Like the actual chapter in section. I'll send you an email as a follow up.

Ed Fleischman: Okay, thank you very good, appreciate it.

Bud Jacobs: Will, this is Bud do you know offhand what year this construction took place?

Will Moore: I would have to look back, but it's within the last five years.

Dev Roszel: Five, Yeah probably [inaudible].

Will Moore: Any other questions or maybe commentary if anyone has any commentary on this particular property. Okay, if not, we'll move on to the next. So, this one is 102 Chestnut Street. This one was under construction when I started here in mid-2014, and then it was completed, I think, in 2015. This is number 102 is the one that you see in the background. Of course, in this picture, number one hundred is in the foreground. 102 Chestnut, again, the maximum height in R2 currently is 30 feet. 102 Chestnut was built to twenty-eight point nine feet. So roughly within a foot of maximum requirement. This lot size is 7,500 square feet, 7500 square feet is pretty much what the original subdivision of Ridgeview was platted into 7500 square foot lots. So, the vast majority of the lots that you see throughout Ridgeview are 7500 square feet or small deviation thereof, corner lots sometimes are a bit irregularly shaped. So, there may be a little bit larger. But this was this is kind of a case study that we'll see repeated in a following example, being 50 foot wide, 7500 feet in area.

Dev Roszel: Will, this is Dev.

Will Moore: Yes sir.

Dev Roszel: I will say that, you know, in all of what we were looking at, that is the most telling example of what I think is disturbing to most of the people is because you have the two smaller houses on either side. And that actually struck me when that house was being constructed was, wow, that thing is massive in between the [inaudible] houses. The rest of them I didn't have as big of, not as much as concern because I don't think it was, you know, a juxtaposition between the tall and the short one. But this one really brings it home is the difference in the two buildings sizes.

Will Moore: Yeah, I think this is the one of all that has two shorter homes in fairly close proximity to the sidelines of all the examples, so that's a very good point. So just a couple of other views, here's one more from the north side. And yet one again. So again, in terms of its compliance with the ordinance requirements, a little less than a foot from the maximum height. On the right side, which is in between the properties that you see here, it's about 12 and a half feet of the side yard. Seven and a half is required. But the extra here is to accommodate the driveway, which accesses a rear garage on the property. On the Left side so that's going back. To here on the left side it is built right up to the seven-and-a-half-foot minimum side yard. In terms of the lot coverage requirement. Again, we define lot coverage as the area under roof on the property. So, it does not include other impervious areas such as driveways, swimming pools, patios such. But as far as under roof, 30 percent is what the maximum is in R2. And this one is built to 25.5 percent lot coverage. So, a little room to play with should they want to put maybe an accessory structure like a garden shed on in the future. In terms of the height of the adjacent properties of Estee and our maintenance supervisor went around and using using an app essentially to try to approximate height for those that we didn't have actual measurements for, just so we had some approximation of they're looking at about 18 feet in height for the properties on either side of this one. So, 18, 18 and then 29 in between. That gives you an idea of what we're looking at.

Dev Roszel: Will, excuse me again this is Dev. Doesn't the county have records of the height of those houses. And each floor I mean, I don't think that house on 10..I'm trying to think which one it is. The one to the left in your picture.

Will Moore: Number 100 there.

Dev Roszel: Yeah, those houses, I don't believe that house is that was eight feet for the floor and then another maybe four or five for the attic above. You're only looking at 13 feet, maybe 15 from the ground level to the top of the house.

Will Moore: Okay, the county would not have a record of the height. They don't maintain building plans past a certain point. [multiple speakers].

Dev Roszel: Do they have it for 102? I mean, how do you know whether or not they meet the height requirements?

Will Moore: So, we have it from 102. So how we determine is A, from a review of the plans. And then if the the height that is being built to is within a certain variance of the maximum height, then we require and as though basically a surveyor to certify the height once it's been built.

Dev Roszel: Okay.

Ed Fleischman: This is Ed Fleischman. Just to clarify something Dev, the supplemental information that Will sent by email states that the adjacent houses are 18 feet in height. And I think your analysis cut it really short because there's a little bit of extra room between the ceiling and the attic. So, I think the 18 feet is probably correct.

Dev Roszel: Okay, I'd argue, but that's neither here or there.

Terry Cooke: Well, this is the the chair. Just a quick question. I assume the height is determined by the highest point of the roof, for example, the peak. Is that correct?

Will Moore: Yes, sir, and I will share with you that that's a fairly unique thing that we do here in Middleburg, is by measuring to the peak. It is more common than not in zoning regulations to define building height at a midpoint between the peak and the eaves. So, if your peak is at 40 feet and the bottom of your eaves are at 30 feet, then you take the midpoint, which is 35, and you would say that is the height. That's what most zoning ordinances do. Ours does not. Ours simply takes the highest point with certain exceptions chimneys, church spires, things of the like are not included in that height measurement. But it is to be.

Terry Cooke: Thank you.

Will Moore: Okay, so any additional questions or commentary maybe on this particular example that we're looking at? Okay hearing none kind of scroll on to. Okay, so we've grouped three homes here together for discussion because they were built in fairly quick succession from one another right next door to one another on three infill lots. And they were all built essentially using the same footprint and massing. There are some differences in the styles of the homes, which is, I think, appreciated. But they essentially use the same footprint and massing on the site. So, again, these are 103 to 107 Reed Street. In this first picture, you only see number 103. If this is the first one that's built just to the north of the Middleburg Library, which you see on the right. Moving onto a different view, this one picks up number 103 as well as number 105 in the background. And this one kind of gives you a little better view of the full streetscape. In the far distance, you see number 109, which is the one that was rebuilt on its previous foundation. That's a different story altogether. But this gives you kind of the street level view. And here's yet one more that gives you this one takes the library out of the photo but gives you a little idea of the spacing that's available in between each of these three homes. So, in this case, just like the previous example on Chestnut, these are each 50-foot-wide lots, each 7500 square feet in lot area. Each of these buildings is built to the 30-foot maximum set back. So R2 has a minimum setback of 20 feet, as well as a maximum set back of 30 feet. So, these are actually set back from the right of way as far as they possibly could be. Each of these is built right up to the seven-and-a-half-foot minimum side set back on each of their sides. So, they have maximized that left-to-right footprint. Each of these is built to the maximum height, that peak height of 30 feet. And then each of them is within just a few minor percentage points of hitting the 30 foot I'm sorry 30 percent lot coverage. So, they're built to cover the maximum lot area that is available. That includes the principal structure as well as each of these has a detached garage.

Ed Fleischman: Will.

Will Moore: Yes, sir.

Ed Fleischman: This is Ed Fleischman again, just a general question. When I look at this picture, I see something that's disturbing to me and it regards utilities in Middleburg. And if we look at the first post, most of this utility work is telecommunications. The electric is at the highest point. And then the electric company rents space on their poles for these telecommunications systems. And then they there's been a proliferation of these around Middleburg. And is there any control over it? Not the electric, but all these other telecommunication systems? Because I think that's what sticks out when I look at this photo.

Will Moore: Yeah, it's an interesting point. We do have the ability to regulate utility franchises here in Virginia. So, I can't speak to those that maybe predated that ability. But I do know that we have a franchise with we executed within the last several years for a communications provider that was providing fiber to schools throughout the Western. So, they had to compete Middleburg to eventually get to [inaudible] Elementary in St. Louis. So, but I can't give you a firm answer on the other telecommunication providers that's something I'd have to research with the Town Manager.

Ed Fleischman: Yeah, I think it's just another problem that I see in Middleburg is there's a lot of stuff hanging on the, you know, electric transmission poles and should be some kind of control. I was wondering if Middleburg gets a payment from it. What the story is. So maybe you could have Estee or one of the staff people look at that. It'll be interesting to find out what's going on. I think that's something that in calmer times, maybe the Planning Commission can look at.

Will Moore: Sounds good. Any questions, any commentary maybe on the infill homes on Reed Street. I would say that there was some talk when I first started here again, the previous example of 102 Chestnut Street was under construction at the time that I started here in Middleburg. And once that home went under roof and was occupied the complaints or comments about that property kind of subsided. And we didn't really start having those conversations again until these three homes started under construction. So, I think it's fair to say that these kind of reinvigorated this discussion that we're having right now, and possibly because there are three of them right next to one another, I would suggest partially because of both the massing and the fact that all three are built to the bare minimum side yards it gives an appearance that we otherwise don't have much of throughout Ridgeview, which are these 30-foot-high homes with the bare minimum in between. So, I guess that's kind of a commentary of my own, but I'm not sure if any commissioners have any thoughts on the scale of this little stretch of development.

Dev Roszel: Well, yeah. Well, this is Dev. you know, I think that the difference between this one and the Chestnut Street [inaudible]. Yeah. You know, the difference is, is that you don't have the other two houses on either side of these. This was open space. They built these houses within the confines of our zoning ordinances within the town. I don't feel that they personally because they met the requirements, I don't know about the one on the end, but that's a whole different ballgame. But those three houses, whether they're you know, they meet all the requirements. The issue, I think, for the other house is that it's in between two houses, kind of like you know, a seven-foot-tall basketball player with two five-foot people next to it. You're not you know; it's not comparing apples to apples. This street has these houses on them. So, it doesn't look from my perspective, doesn't look that out of place. Now, do people want to have you know, I think that if the town's concerned about having large houses like this, that that's something that we need to discuss. But I don't think these look out of place. They fit the requirements they met all requirements that the town has put out there. I think that other house, whether it met the requirements or not, still, when you put a house that size in between two single story ranch bungalows, you can't have the same conversation. I think it's totally different.

Will Moore: It's a very, very interesting point. You know, I've had a number of thoughts as I've been trying to wrestle with how to potentially craft something that might meet the conditions of approval, as well as addressing council's kind of goal to address, again, the character of these redevelopment lots. Another way to think of that and maybe the opposite of what you just stated Dev. And what I mean by that is in particular, for those of you who might have been through the certified Planning Commission training those kinds of things. It should be it should ring a bell with you the kind of the circulation of air and light. That's a big premise behind zoning and wide zoning is permitted in the original landmark Supreme Court case is that even though there there is kind of a privacy in particular in Virginia getting to property rights, there's also the rights of your neighbors to have kind of air and light and ability to move around them. If you think of this from the perspective of maybe, I don't know, a neighbor across the street, if you look at this. Yes, there is one tall home in between two smaller ones. But the fact that there's two smaller ones exist on either side provides more of that circulation of air and light. If you're across the street, maybe from these, whereas if you're looking from across the street at these homes, have you had less air and light available to you? Because all three of them are built to that maximum height and all three are built to the maximum, which is determined by the set back. So, it's it's a different way of thinking of it, but that, you know. It's a different way of thinking. So welcome to your thoughts as to that rambling that I just went on there.

Dev Roszel: Well, I think Will again this is Dev. I agree. I'm not arguing that point. I think that if we set if people are building within the parameters that the town has, it's almost hard to, you can't say it's okay here, but it's not okay over there because it's you know, you can't it's arbitrary and capricious. You can't just say, well, you can't do that over there. So, I'm not arguing your point. I just think that you know it looks much more aggressive from Locust from Chestnut Street than it does here. So that's all I was saying I think that you have to [inaudible]. It's hard for people to understand what is like, oh, my gosh, it's just so out of place. Well, it is out of place. But they met the requirements of town set and so, I mean, I think that it's tough I really don't know. I'm just merely voicing my opinion. I'm not really afraid of wrong.

Will Moore: And I just want to reiterate that it appears that all of these properties that we're examining did indeed meet those requirements. The question is, should those requirements somehow be tweaked to adjust the scale?

Dev Roszel: Yeah, sure, sure.

Rachel Minchew: Hey Will I have a question this is Rachel. And it's regarding more to the architectural design and what are there anything, any regulations that they have to go to when they submit the plans as well as far as the structure, the porches, the material, and all of that, that we have in the town?

Will Moore: To the three homes that you're looking at on this particular slide. Yes, because they are on the bare perimeter of our historic district. So, all three of these did go through review by our Historic District Review Committee. But for the remainder, Ridgeview of no they don't. Actually, let me back that up. The very first one that we looked at, number three Reed Street. That's in the Historic District as well. [inaudible]

Bud Jacobs: Will, as a counterpoint to Dev's comments, for what it's worth. I find the presence of three large structured on our street a good deal more disturbing than I find the sole tall structure sitting between two smaller structures. To me, this kind of construction suggests a greater population density. Obviously, I don't know how many people live in each of these homes. It could be retired couples, for all I know. But certainly, the image it projects, the aesthetic is one of greater crowding, I think than we might find acceptable if we think about it. If any of that made sense. Not sure it did.

Will Moore: I think so. I think so. I think these are more reflective of the changing demographics, I know the mayor has mentioned it a number of times. The family sizes have generally not increased, if anything, over the last couple of decades the average family size has slightly decreased, but the average home size

has more than doubled. I think and there's just a desire from some people's point of view, it's a lifestyle thing, I think, in much of America to seek out greater and greater square footage.

Bud Jacobs: That's correct, the mayor was referring to a study that was done, I believe, by the American Enterprise Institute [multiple speakers] and it looked at housing needs as they were defined in the 50s and 60s and contrasted them with what we're doing today. And I think I don't remember the exact numbers, but basically in the 50s, family size was three individuals or three and a half individuals. And typical square footage for a new home was about fifteen hundred square feet. And today that is completely the opposite. Family is, in fact, smaller and a typical new home construction. Again, I don't remember the exact number, but it was somewhere 2800 or 3000 square feet, something like that. And certainly, what we see on Reed Street reflects that reality.

Will Moore: Any additional commentary may be questions regarding these three homes on Reed Street.

Terry Cooke: This is the chairman. I don't have any questions on these. We did I think we did pass over 105 Sycamore. I don't know whether that was intentional or just an oversight, but if you want to go back to that.

Will Moore: Maybe I have these out of order [multiple speakers]

Terry Cooke: All right. Okay, whatever.

Will Moore: Maybe in a different order than were attached. Oh, we had one more view.

Terry Cooke: Okay.

Will Moore: Okay, 105 Sycamore. Here we go. This should look familiar to Commissioner Fleischman right across the street from him. So, this was a tear down and rebuild of 102 Chestnut I may have failed to mention that, but it was a tear down and rebuild as well. This one had a slightly more modest structure on it and the owners purchased the property first, considered doing additions, and then just decided that it would be they would get what they wanted at the end better by demolishing and rebuilding. So, in this case, this one is built just within three inches of the maximum height. So, it's built to 29 feet 9 inches. The lot size here is a little bit larger than those typical lots that I was referencing. So, this lot is the same depth as the others that we've been looking at, which are 150 feet deep. This one is 50 percent wider. So, it's 75 foot wide, eleven thousand two hundred and fifty square feet of lot area. So as opposed to the typical 7500 that we see through, most of Ridgeview. In this case, both the right and left sides, they had additional area beyond the 7 and 1/2 foot minimum. They have eleven point seven feet on the left side that you're looking at here and over 18 feet on the right side, which also includes a combination for their driveway. The front is set back 24 feet from the front property line. Again Ridgeview, it's a minimum of 20, maximum of 30. So, they essentially split the difference, 24 feet. Again, with the larger lot size of what not extending out toward the middle of the setbacks, they are just at 19 percent lot coverage. Again, whereas 30 percent is the maximum allowable. So, they're at 19 percent. The building that you see in the background, which is number 103 Sycamore Street. We estimate that one at 18 feet as well. This one, I think, and this is a discussion that we can delve into a little bit further, maybe later. But this one is, I think, a little bit indicative of where opportunity may exist to look at our regulations. And I mentioned just briefly in my staff report that accompanied this that there may be an opportunity to have a height requirement as well as a side yard requirement that are interrelated. So, when you saw that home on Chestnut, that was the bare minimum of seven and a half feet from the property to its left, it looked very imposing. It was built actually a few inches shorter than this home. And the building next to it was the same height as the building next to this one. But with that extra yard in between, I would suggest it doesn't look nearly as imposing on the smaller home next to it. So just something to maybe keep in mind as we discuss later on, where are opportunities may exist for tweaking regulations? But I would welcome any questions or commentary on number one and five.

Ed Fleischman: Will, this is Ed. Let me give you some commentary. Since you mentioned I live across from them.

Will Moore: Yes sir.

Ed Fleischman: Zoning changes are real complicated. I mean, there are pluses and minuses to everything we do. So, I think that we just have to look at it very slowly and do analysis. In this particular property we live across from them. And when we moved in, there was an elderly couple living in a smaller one-story house that is typical of some of the houses in the area. And they were very nice. They were a good addition to the neighborhood, though, did she did back out of her driveway and hit my car one time, but we [multiple speakers] with that. Anyway, unfortunately, the elderly gentleman, her husband died. And so, as they were getting older, she made the decision to move back to Ohio where her one of her kids were to be closer to family. So, she put the house up on the market. And I think that some of the houses in my area there on Sycamore that's happening, that people live in the house for decades. And then there's an event that causes them to say they want to downsize. So, they put the house up on the market. And my wife and I went in and looked at it. And one of the things and it had some an addition, or something built, and the floors were different levels. So, we had to walk up two steps or one step. So, it wasn't uniform. And when we looked at it, we noticed that the electric was substandard and not up to code. And there were a number of other items in it that I said, well, this would be a good house for someone to really work on. So, you know, we walked across the street back to our house. So, then the open house sign went up and a number of people went in and then a couple bought the house, and we went over and spoke to them and they were trying to figure out what to do with the house. They were just a couple, but similar to my wife and I, we both had kids and then we both had grandkids. So sometimes you want an extra bedroom or two, not because you're going to be living in them, but because you're going to have family as guests, and you want to have a place to see your grandkids. So, we spoke to them about it and they were really serious about redoing the house. And they were looking at a builder and we had a builder that we used to build an addition in the back of our house. We have a large lot, so there's not a problem. They said, Okay, well, let's take a look at your builder. So later on, a few weeks later, they spoke to us and said, thank you for looking into the builder. And we looked at the house and with the builder, we determine what we wanted to do, you know, upgrade the electric and the water and build another bedroom. And then the problem with the different levels of the house. And the builder said it would be cheaper to tear the building down than to redo it the way they wanted to redo it. So, then that's when they decided that it would become a tear down. So, I think that when I look at Sycamore Street, which Sycamore Street has some, I guess as you get away from the historic area and move out. You know, Reed and Chestnut, Locust, Sycamore. Sycamore has larger lots. So that's why they tore down because it was just cheaper to do that, and they could get what they want. We've also visited a number of other. When real estate had open houses in the previous year's my wife and I, you know, we're always interested in real estate and redoing houses. We've redone three or four houses, older houses, and sort of upgraded them. And a number of the houses, even on Sycamore, not on my block, but the next block over. They haven't been touched in years. And as far as I can see, there are numerous when you look at an open house, numerous code violations on electric and other problems. So, I think that, you know, you have this push pull here that we'd like to keep an old house, the original house. But then again, you know, it's not up to code. It has to be redone and as previously discussed people just want bigger houses just because I think a number of people want more space for a [inaudible] home office and visitors. So, there's this push pull. I think, you know, we ought to consider all possibilities before we dash in and do something quickly. So that's my analysis of why it was a tear down. Thank you.

Will Moore: Thank you. Any additional questions or commentary maybe on 105 Sycamore? Okay, hearing none we'll get through the last couple here. So, 208 Locust. This one differs from many of the other examples or all of the other examples included here in that this was built more than 20 years ago. So right around 20 or 21 years ago. Again 208 is on the right in this photograph 208 is a 35-foot-high home. So, the regulations in R2 changed in 2013 and lowered the maximum height from 35 feet to the existing

requirement of 30. But again, this one was built in compliance with the regulations at the time. This one is a good bit larger size lot. This is a corner lot at the corner of Locust and Stonewall. It's kind of a wedge shape. So many of the other lots as you go further south on Locust are that, again, 75 hundred square foot rectangle. But this being a corner, lot adds an additional area, it's a little over twelve thousand six hundred square feet in lot area. Both the right and left sides have additional setback provided I should clarify the right doesn't necessarily have additional set back, provided it's required to have it because it's on a corner. But the left side adjacent to number 206 that you see on the left here, the smaller yellow home. Still they're, providing 22.8 feet from they're building to the property line and then there's some additional property from the property line to the yellow home. So, this does not suffer from that condition of the homes being built on either side of a property line, right up to that bare minimum. In terms of lot coverage. This property is just about 15 percent of the lot coverage requirement, which includes the main structure that you see here, as well as a detached accessory structure in the rear. Different view of it. Again, we have approximated number 206. Again, this is the yellow home on the left at 20 feet in height. And the subject one again is at 35 feet in height. Clearly a visual difference, but again, I would suggest because of the additional spacing in between the two, it's not quite as imposing maybe as the example that we saw on Chestnut Street. I think those are the only two photos of this one. Yeah, so any commentary maybe from the commissioners on number 208 Locust Street.

Terry Cooke: No.

Will Moore: Okay. Hearing none, we'll just look at our last example, this is the home currently under construction at the corner of Martin and Walnut. This particular home and we've talked about this before. There were two existing lots those typical 7500 square foot lots that I've been referring to. One of those was improved upon with a small home. And the the current owners purchased both lots they demolished the existing home and then they did a vacation of the lot line to consolidate them into a single 15000 square foot lot upon which they are now constructing. In terms of some of the dimensions here. This one is at twenty-nine point three feet in height. So, twenty-nine feet, four inches, so a few inches to spare to that maximum of 30 but not much. The front that we're looking at here, as well as the left side, which is the corner side along Walnut are both built right up to the 20-foot minimum set back from the right of way. The right side, which is in between, again, the right of this picture. You see a smaller home along Martin there. The right side is built to approximately a 15-foot set back, whereas seven and a half feet is required. So, they did double the required set back. So, it doesn't crowd the home that you see to the right quite as much. The home that you see in the background, which is number 603, we've approximated at 20 feet in height. So about nine feet less in height than the building that's currently under construction. This one and we don't really have a good photo to demonstrate it because it would need to be kind of a bird's eye view. But this one is maybe the most concerning aspect of this one from a staff perspective is the lot coverage, so it's being built to twenty-nine-point eight percent lot coverage, 30 percent is the maximum allowable. Again, that is within our requirements. We understand that the owners plan to put in a swimming pool kind of behind the home. And again, the way we currently define lot coverage in impervious area like that will not count toward that lot coverage requirement. So, I guess my best commentary on this one is that this one is I think it's within 28 square feet of the lot coverage requirement. So, if the owners of this property ever wanted to put a garden shed in the back to hold a lawn mower or weed eater, they're not going to be able to do so because they built their building so far up to the maximum lot coverage requirement. But again, within the current regulations. So, I would welcome any again, any questions, any commentary, any thoughts on this particular home that's under construction?

Terry Cooke: Will, this is [multiple speakers] Oh go ahead. [multiple speakers].

Dev Roszel: The house that fronts on Washington Street. Is that part of that lot?

Will Moore: It is not.

Dev Roszel: Okay, so. All right that answers my question. Okay.

Terry Cooke: [multiple speakers] Will, this is the chair my question [multiple speakers] [laughter].

Dev Roszel: [multiple speakers] there was a sign out front that says that when that house was for sale, there were two lots.

Will Moore: Okay, so you're referring to the one that's on Washington Street?

Dev Roszel: Correct?

Will Moore: Yes. So.

Dev Roszel: Where's the other lot.

Will Moore: Well, there are two lots. So, if you're looking at that home on Washington Street, there's the lot that most of the home is built on.

Dev Roszel: Right.

Will Moore: Just to the left of that, there's another lot part of the home is built on that lot as well. There's an addition. So essentially the home is built straddling two existing lines. It's not something that could happen today. You're not allowed to build a home that straddles a property line, let alone by zoning requirements. The building code would prevent that today. Years ago, that wasn't the case. So, you actually see a good deal of that throughout Ridgeview where there were several of these 7500 square foot lots and somebody bought three and they built over two of them and held an additional one for just extra lawn area. So, it's a little bit disingenuous, I think, to advertise it as two lots knowing that the home already straddles both lots. But they're not incorrect in advertising [off mic].

Dev Roszel: So, Terry's not going to have another house right next to his? [laughter]

Will Moore: There could be some inventive ways to do a lot line adjustment that could eventually result in another lot or another home there. But it's hard to speculate.

Dev Roszel: All right. Well [multiple speakers].

Terry Cooke: I'll save my comments for that for another time.

Dev Roszel: Yeah. [laughter].

Terry Cooke: Dev are you finished with your comments for now?

Dev Roszel: Yeah. Thank you, sorry.

Terry Cooke: Will my comment on 10 or excuse me, on 601 Martin and I raised this question before. I am astounded that that structure only covers 30 percent of the lot area. And I know you've explained before that, well, you only look at the structures under roof. And I appreciate that. But even taking that into account, who makes that calculation that that place is somewhat less than 30 percent of the land area? Because it just took to the naked eye, it doesn't look it. [multiple speakers]

Will Moore: Its quite sprawling. Yeah, so it's done, as part of issuing a zoning permit for new construction I have to verify that it meets these minimum requirements. So, it's a surveyor or an architect that prepares a lot coverage plan that accompanies the application. And then I have to do some kind of

commonsense verification. You know, generally an architect or engineer is not going to put their seal on a plan unless it's honestly prepared. But we do some verification of that when we receive it. I think maybe what's not clear when you look at this is, again, there's a 20-foot minimum set back from the front right of way line, and this is a double lot. So, all along the Martin Avenue frontage and all along the Walnut Street frontage, you have at least a minimum 20-foot strip of land that runs along both of those street frontages and that area of land can add up quickly as far as the uncovered area.

Terry Cooke: If you say so, I don't have a tape measure big enough to let me go out there and do it, but boy, it's a head scratcher to me. Any other comments on the photos from any of the commissioners? Okay.

Rachel Minchew: Let me just ask so this whole porch doesn't count?

Will Moore: It does count, as far as lot coverage because it's under roof. Correct.

Rachel Minchew: Oh, so we have. Okay.

Terry Cooke: I'm sorry say that again. The porch does not count, even though it has a roof on it.

Will Moore: It does count because it is under roof.

Terry Cooke: It does. Yes.

Will Moore: If it were uncovered, if it were a deck, whether on the front or the rear, if it's uncovered then the way we currently define lot coverage it would not count toward being an area of coverage.

Rachel Minchew: Thank you. Well, now I really don't see how that's not [inaudible] It looks like it takes over.

Terry Cooke: Yeah. And I suspect you're aware of it, but I don't know there is a deck that's under construction in the back or a patio. I'm not sure what they call it that has a roof, or it's framed in for a roof over it. So that's another area that's going to be roofed. [multiple speakers]

Will Moore: That's interesting, I will have to look at the plans and.

Terry Cooke: Yeah, it's in the rear of the residential structure. And it might be worth taking a look at.

Dev Roszel: What happens if they violated that ordinance, so they're greater than the allowed lot size.

Will Moore: Yes, there's a procedure with new construction where I issue a zoning permit that authorizes the county to then issue building permit. But prior to it being occupied, the county requires me to sign off and I have to issue a local zoning occupancy permit. So, before it would be occupied, I will do an on-site inspection to verify that everything was built according to the plans that had been submitted. And if not then we have to address it.

Dev Roszel: Okay.

Will Moore: And there's no way to ignore a discrepancy that results in a zoning violation. Sometimes things aren't built 100 percent to plan [multiple speakers] and we can verify it afterwards. And as long as it still meets all the ethical requirements, there's a way to resolve it.

Dev Roszel: Okay, thank you.

Terry Cooke: Okay, if there are no more questions or comments about the photos that we've been through, Will I thank you for your memo on potential R2 amendments. I'm sure we've all looked at it. Do we want to move into a discussion of that and see what the thoughts of the commission are in terms of which among these suggested or possible areas of modifications to the regulations we want to consider?

Will Moore: Yes, sir, and I think this could be a wide-open discussion. I again, I have some ideas that I think may be worthy of considering that I think could help get to some of the concerns that mayor and council have. And in particular, I made a passing mention of it before, but possibly establishing a relationship between the allowable building height and allowable side yard requirements. Again, if we think back to the example on Reed Street of those three homes built all in succession, where is they maximized the building height and they maximized they're left to right building ability. That is, they built right up to the minimal side yard. You know, and I have seen regulations not necessarily for residential applications, but for other types of applications other types of zoning districts whereas a relationship can be established. So, take these numbers as purely hypothetical. I have not done any analysis of these numbers to this point, but maybe contemplate something along the lines of a maximum building height of, let's say, 24 feet. And again, that's purely hypothetical for the R2 district, but then making an allowance that for every additional linear foot of setback that you provided, you could get an additional foot in building height. So, if you build up to your seven-and-a-half-foot side yard on either side, then your maximum building height is 24 feet. But if you gave three feet additional on either side, so you're now 10 and a half foot away, then you could go three feet higher. Again, those are purely hypothetical. We would have to do some better analysis to what that would look like. But that gives you kind of what that might help address is, again, the Reed Street example, 103 through 107 versus Chestnut Street, where you have the one large home that's built right up to the minimum side yard, next to a smaller structure, which seems very imposing versus the Sycamore Street example, where you have a building. Again, it's built within inches of the maximum height, but due to the additional side yard is provided both on the left and right, it doesn't necessarily seem so imposing to the surrounding home. So, it's a thought to get those numbers right. Again, I think would take some analysis. But I would welcome the commission's thoughts on maybe establishing a relationship between height and side yard requirements.

Dev Roszel: Will, Mr. Chairman can I ask a question?

Terry Cooke: Yeah, go ahead Dev.

Dev Roszel: What is the and maybe this is a naive question, but I'm going to ask it anyway. I mean, what's the real issue? Is it the height or is it the sprawl of the [inaudible] house? What is it that has driven the council to say, Okay, we can't have this because they look at a couple of these houses and they go, oh, my gosh, here's two little houses. And then we got this massive one, because in the description that you talked about, if you cut it down on the side, you go up on the top, which is just make it from my perspective, the appearance will look worse than because you're squishing it down and shooting it up. Okay. Because you say if you give them three feet on either side, you don't go to the maximum, you cut in the end, then you can add more feet to the top. So, I guess my question is, what is it that's really driving this? What is the real issue? Is it the height? Is it the size? Is it the fact that we've built these houses in Ridgeview and everybody, you know and no offense that they don't like to see that growth in that neighborhood? I mean, what is driving the reason that we're having this conversation?

Will Moore: It's a combination of things. And let me first say that I don't know that anybody has articulated it extremely well, what the actual concern is, I think just in general, it's the scale of the infill and or redevelopment homes. But I think that what we have to try to figure out and you so maybe more than me, is what that issue is. It's not going to come down to one factor. It's not going to be it's just the height or it's just the side yard or it's just the lot coverage. It's the combination. So, what we tried to do by providing you these pictures is to try to help you figure out maybe what the concern is. I have given my own kind of commentary. Please only accept that at as one person giving you that commentary. I think it's that kind of combination of building both left or right, as far as you can and up as far as you can.

Dev Roszel: No, and I appreciate that. [multiple speakers] think that's a good point because it's what's aesthetically most pleasing. And I think our job is to do what makes the town look the best. And it's not just one or the other. And I mean, I agree with you and I think that's what made me make my comment at the beginning of this [inaudible] online was how does that tie into what Salamander is doing. And will it change, I'm sure that they've submitted plans. They've got 20 reservations, for houses. Are those houses falling into I mean, what if we change these things? Is that going to affect what those houses can be built as?

Will Moore: And so, no, we're specifically looking at R2 right now.

Dev Roszel: Okay.

Will Moore: And Salamander Residential is a combination of R1 and R3.

Dev Roszel: Okay, Okay, fair enough. Excuse me.

Terry Cooke: Yeah. I would just say Dev this is the chairman; I think that there are two concerns that are driving this; one is scale and the other is bulk. How these newer homes are impacting the aesthetic when compared to the more modest structures that have been part of the town's housing stock for 50, 60, 70 years, that's one issue. And the other is bulk. Bulk, just as how much, how big is the building? How much ground is it covering? How high is it? What are the setbacks? Those are the two things I think, that are driving this. The challenge and it's not a small challenge. Is that what we're all talking about I think is rather pretty subjective. I mean, what one person finds offensive, another person might well say, well, it looks okay to me. I mean, an example is those three or four new relatively new homes on Reed Street. I think Dev, as you suggested, seeing those three homes side by side without smaller structures abutting them does not seem as troubling as another house, another large house between sandwiched between two small ones. And what about those two small ones on either side of that larger house, the owners of those small houses tomorrow could decide they want a larger house built within current zoning regulations and build something larger than they currently have if they chose to. And if they did, presumably they would, for lack of a better term, blend in with the existing larger structure. So, it's this is going to be a tough situation we're getting ourselves into. It's going to be controversial. [multiple speakers]. It's going to offend some people. It's going to please other people. And I just think we have to be, as Ed suggested kind of look at all the angles on this and be very deliberate about which way, we think we should go and what's really going to solve this problem.

Dev Roszel: Well, I think this is Dev I think I don't disagree with you, but I think [inaudible] back 15 years ago, the town thought that they had made that decision and it was changed when we reevaluated and looked at the height of buildings and now, we're going to relook at it again. So, what's the [inaudible]. I'm just saying I understand that, you know, yes, we want to make the right decision, but we thought we made the right decision last time. So, then what are we going to make the right decision again six years from now when something else changes? So, it is a tough decision. I'm not arguing that at all. It's you know, it's hard because does Ed want to have all these people? I'm on Chinn Lane do I want to have the same thing? I mean, I get it completely. But I also think that we have to be careful not to keep changing every four or five- or six-years requirements that we have put in place. But maybe we can it doesn't really matter.

Ed Fleischman: [multiple speakers] Let me provide some comments here. Dev had a very good question about why is this being brought up now? And of course, there's always discussions among the residents of Middleburg, but also, I find a lot of discussion by outsiders. They're outside the town of Middleburg. They're not citizens of Middleburg and they don't want any development in Middleburg. I find that offensive. But that's a side point.

Dev Roszel: Right.

Ed Fleischman: What we have is some current proposals that I think some people are concerned with, and I think that's maybe, Dev you asked what's driving it, the council's interest? Well, maybe one of the things is the two lots opposite the former mayor's house. Right. It's opposite Bundles house.

Dev Roszel: Yep. Yep.

Ed Fleischman: And when you look at that, I sent an email to Will because my analysis showed initially just looking superficially at some of the zoning sections and Will pointed out there are other sections to look at, but it didn't seem to conform with the 7500 square foot requirement. The lot size was thirteen or fourteen thousand square foot and didn't seem to combine lots if you could put two houses on it. So, Will mentioned about some other sections and I'm looking at Section 89 out of the zoning rule ordinance. It talks about this is a strange thing and Will maybe, you know why we put this in that it talks about permitted structures on any single nonconforming lot of record. It talks about if it's less than 80 percent of the required area and it doesn't have to follow the complete zoning. I mean, maybe that's something that we should tackle. Maybe that loophole that's in the zoning ordinance is something that we ought to drop so that, you know, we aren't giving these older lots rights that really are not necessary in the current council. And a lot of people in Middleburg don't want to have construction on those lots. So, Will, maybe you can give me some background on what that particular nonconforming lots of records. Who put that in and why?

Will Moore: Well, the council put it in when they adopted the zoning ordinance. So, there are two kind of distinct parts to that section. And I don't have it in front of me. But there's one part in it. And it's essentially the first part that essentially says if you have a nonconforming lot of record and you're in a residential district, that regardless whether you meet dimensional requirements that again, making it a nonconforming lot you can still construct a single-family home on that lot as long as you meet set back requirements. So that's one part of it that is an extremely common thing that you'll find throughout Virginia zoning ordinances. So, and it's very important in the R2 district. The R2 district has a minimum lot size of 8000 square feet. I don't know why that was established when it was, but the vast majority of the lots of record are as we've talked about, 7500 square feet. So that protection that's in that section of the zoning ordinance is for all of those existing lots of record, because when the zoning ordinance was changed to make it a minimum of 8000 square feet, it would have stripped everybody of their property rights to build a single-family home on those lots. So that's why it's in there. Again, you still have to meet the setback requirements, but as long as you do that, you're okay. The second part of that, I think Commissioner Fleischman, what you just mentioned is there is a provision that if it's a really small lot, so like less than 80 percent of the requirement, then it would allow you to build that home on there and the setbacks could even be reduced further. So that part I'm not as wild about. It's not as common, but that's kind of the background. The first part that simply allows you to build a single-family home as long as you meet set back requirements. It's very common and it's a property rights kind of thing. The second part doesn't really apply to any of our case studies. Maybe that's a better way to answer the question. I'm not necessarily thrilled with those provisions, but at the same time, those provisions aren't what are causing any of the perceived issues or concerns.

Ed Fleischman: Well, one of the things that is a concern to a number of people is those two lots across from the mayor. I mean, is there anything that we can do just to handle that rather than changing the whole zoning ordinance?

Will Moore: Well, I don't know that it's correct to imply maybe that it's those two particular lots that are causing the conversation. I think those two particular lots prioritize the conversation, but this conversation has been going on for the last couple of years. [multiple speakers] And the answer was, well, we're going to look at changing certain provisions or zoning ordinance and when we get around to that comprehensive rewrite of the zoning ordinance, we will address these things. A recent meeting and the revelation that these two lots exist and are going to be built on kind of prioritized councils of concern, I will say permits

have already been applied for, for those two lots. So, any changes that could be forthcoming, whether it's three months from now or six months from now, as a result of the conversations that we're having.

Ed Fleischman: Won't affect those.

Will Moore: Aren't going to affect those.

Ed Fleischman: Yes.

Will Moore: Those are [multiple speakers] already done. In a way. It's going to be a while before construction starts because it's going to require [multiple speakers]

Ed Fleischman: So, you said the plans were submitted.

Will Moore: Correct.

Ed Fleischman: So, what does it look like compared to the, you know, the height and the side yard? And that would be interesting from the standpoint of what we're reviewing now.

Will Moore: Yes, I will say that the height is, and I apologize, I don't have the plans in front of me.

Ed Fleischman: Don't apologize. Apologies aren't necessary.

Will Moore: Essentially, the I think they are maximizing the left to right build-able area. So, they're building up to that seven-and-a-half-foot side yard. The design is not it kind of steps up in height. So, it reaches close to the 30-foot height limit, but not quite toward the rear of the lot. But in the front portion of the home, it steps down to a lower height. So, it will be interesting how that affects the character of the development and how it's perceived.

Terry Cooke: You're on mute Bud.

Will Moore: Sorry, Bud you are muted.

Terry Cooke: You're muted.

Bud Jacobs: [inaudible] What did you say the setback is planned for that house.

Will Moore: On the sides I mentioned that there will be two homes built and they will build up to the seven-and-a-half-foot minimal side yard.

Bud Jacobs: And the front?

Will Moore: I would have to look, I know it meets the requirement, which is minimum of 20, maximum 30. But apologize again but I don't have those plans in front of me. We can certainly look at those next month as we further deliberate.

Dev Roszel: It's interesting how they can fit those two houses on that lot with the other house up on the corner. It doesn't look like there's even enough space in there for [off mic] houses.

Will Moore: They are essentially the same size lots that were built upon on Reed Street.

Dev Roszel: Wow. Okay, thank you.

Will Moore: Yes.

Terry Cooke: Will, this is the chair, going back to your suggested areas of consideration, one of them was or is to possibly adopt a maximum lot size to prevent consolidation of multiple existing lots. Is there any precedent for that? [multiple speakers] Have you gone deep enough into the weeds to satisfy yourself that that can be done?

Will Moore: Yes, I've gone deep enough to satisfy myself that it can be done, that it's enabled to establish the maximum lot size in a residential district of again, much like the kind of hypothetical example I was giving you about a sliding scale between side yards and building height. I've not done an analysis as to what that maximum lot size ideally might be. But I think there's probably something to that, that, again, by combining two 7500 lots and creating that 15000 square foot lot, that 601 Martin is being built upon, that is very out of scale with the vast majority of Ridgeview, maybe aside from the former Mayors lot I don't think there's anything that gets close to that size. There are some, again, those corner lots or a few other lots that are, you know, in the 11–12000-foot range, maybe even a little larger. Some of them may have extremely deep lots just because of what they be backed up to. But I think there might be something to that that could prevent again, if it is there's consensus that it's a concern what is happening there at 601 Martin. There's a way to potentially address that with the maximum lot size.

Ed Fleischman: [inaudible] This is Ed again. There is a way, of course, maximum lot size, but wouldn't it be simple just to say that you can't consolidate lots? Would that be easier because they consolidated lots and they had to get permission from the town to do that? So, can't we say you can't consolidate lots?

Will Moore: I'm going to say probably no. Again, there is opportunity sometimes to more efficiently lay out lots than they may have been laid out in an original subdivision that took place 80 or 100 years ago. [inaudible] And to avoid to simply say you absolutely can't consolidate lots that might not be the best way. So maybe another way of saying that, let's say the lots on Reed Street, the three lots that were built upon were all seventy-five hundred square feet, but we had a maximum lot size and we had other regulations that would have prevented the development from taking place like it did. There could be value in consolidating all three of those and then dividing them again into two. So that what are we talking that 22,500 square foot area, became to 11,000 plus square foot lots. So, if you had an absolute prohibition against consolidation, you might not be able to do that.

Ed Fleischman: I agree Will that you don't want an absolute prohibition because there's always strange things that come up. But if they have to apply to the town for consolidation, couldn't we require them to give us good reasons and then the town only to grant it if there's good reason?

Will Moore: Well, so I think that's probably a question more of objectivity versus subjectivity. So, if you have an objective maximum lot size and that maximum size is lower than the two lots that you want to combine, then we can just objectively say, no, you can't do that rather than trying to negotiate what is a good reason to do so.

Ed Fleischman: Right. It would be easier to have an absolute. You are right.

Dev Roszel: Will, can I ask a quick question? In your R2 single family residential district, notes of the zoning, it says that established neighborhoods at low density as designated in the comprehensive plan. Does comprehensive plan have any and I don't have it right here next to me. It is on the bed stand because I read through it every night. [laughter] Does comprehensive plan have I don't want to say direction, but thought about is there any parameters in there that we can use to look at when we talk about these things?

Will Moore: There are some general characterizations of the density for different residential areas, but there's nothing that gets so into the [multiple speakers] specifics as to dictate lot size.

Dev Roszel: All right, thank you.

Terry Cooke: [multiple speakers] This is the chair again. I would just say in response to the point that Dev brought up and I think it's a good one, is that the comp plan is replete with references to preservation of the character of the town of Middleburg. Now, that's not specific, but I think we'd all agree that one of the aspects of the character of the town of Middleburg is the housing stock and the way it is distributed through the town. So, I think there's an argument to be made, certainly, that if we get too far afield from what already exists in terms of housing sizes and design, we are impinging perhaps on the character of Middleburg. And I think that's what's driving certainly some of the public concern about recent construction in the town.

Dev Roszel: I would agree.

Terry Cooke: Yeah.

Bud Jacobs: Will, if I may, you've asked what we think about the four areas that you have suggested. Very briefly, I'm not sure I would support introducing a relationship between the side yard and building height.

Will Moore: Okay.

Bud Jacobs: Listening to our discussion this evening. I think I would be more inclined to support simply increasing the side yard requirement, which I assume we can do.

Will Moore: Of course.

Bud Jacobs: I think with respect to building height, maybe the time has come to think about reducing that too even though points that have been made earlier about frequent changes to the zoning ordinance are all valid. What we've been asked to do is look at changes to the zoning ordinance. I really like the idea of introducing a maximum lot size. I think that might help reduce the possibilities that down the road we'll see more of what's happening with, I forget the name of the street, but the new construction that's going on. And then finally, one that we haven't talked a lot about, but lot coverage is certainly something that we could consider tweaking. And I would be reluctant to suggest this, but I'm going to suggest it anyway. Perhaps this is an opportunity to introduce a permeability requirement for certain construction on some of the new lots. Which, of course, is related to the purity of our water supply. Anyway, that's a quick survey as I think the chairman has pointed out, this is so subjective that I confess I'm having trouble dealing with a lot of these concepts. I just don't know what the best thing to do is. And I am ever conscious of the danger that steps we might take could be determined to be arbitrary and capricious if a developer or an owner ever decided they wanted to contest our zoning requirements.

Will Moore: Yes, very good points. And I welcome your comments about maybe not feeling so supportive of introducing that relationship between height and side yard that helps give us direction as we start to craft some things. I think one of the things that will be important as we go through this exercise over the next month to three, however long it takes is to make sure that we prepare some materials of photographs for the discussion tonight were good. They're not going to be sufficient to support making changes. So, you know, we'll have some graphics developed as we get further into these discussions that can help demonstrate to you as you're deliberating what some of these potential dimensional changes would look like. So, some elevation drawings of buildings next to one another, which shows, well, this is a 30-foot home with a seven-and-a-half-foot side yard, but this is a 10-foot side yard and a 26-foot home and whatever those numbers might be. So that helps you make, number one, a better-informed decision. And number two, further down the line, it protects against those kind of claims that decisions were made on an arbitrary basis.

Mimi Stein: I have a quick question, and this is because I don't know a lot about construction, but the difference between a house that's got a 30-foot height and a twenty-four-foot restriction, what do they lose on the interior? Is that just height and the individual stories or is that they lose a whole or I guess it depends on how it's built? They lose a whole third story opportunity. [multiple speakers].

Will Moore: It's a very good question. And that's why we can't just make up numbers like I was doing in my examples earlier tonight. But, you know, often times the height is driven by just architectural design and not necessarily everything that you're trying to do inside, so none of the homes that we looked at this evening are three story homes, they're all two story or maybe two story with finished basement area, but they have different roof lines to give it. You know, more architectural style, gives you more storage space, maybe in an attic, it may be a finished attic. So sometimes that's the difference. There's nothing that prevents anybody in Middleburg from building a flat roof home. So, you know, you could potentially give the same amount of living space in that home, that's six feet shorter. But it's just not going to look as good because it's going to look like a box.

Dev Roszel: So right and I would think, too, that, you know, you have houses that some have nine-foot ceilings, some maybe have a 10-foot ceiling or an eight-foot ceiling, and then you've got the joist in between and then you've got [multiple speakers], I mean 24 feet. Good point Mimi, [inaudible] said earlier. I think that that's you know, you don't you can't really make that comment. But what I would like to suggest, and Mr. Chairman, I don't know how you feel about this or Will is that maybe we should do a quote unquote field trip where we could go and actually look at the houses together and have a conversation. Maybe that's not we can't do that I don't know. But I think that would help it rather than doing this on a zoom call look at these houses and actually and look at and have Will your expertise and say, Okay, this is what I'm talking about. This is what I want you to see and so that you can, because I just think that sort of thing might be a good idea. And whether we need to do it during a meeting. I don't know if Rhonda takes notes or what have you, but can we get together as a group of maybe two or three of us and go look at the houses and actually have conversation about what it is, we're actually trying to comprehend?

Will Moore: The quick answer to that is we can do that. Staff can meet with one or two commissioners at a time and it not be considered a meeting, and that's the cleanest way to do it. [multiple speakers] We could do a group, but we would have to advertise it [multiple speakers]and we would have to make sure the press could come along [multiple speakers] But I think it's a very, very good suggestion, Commissioner Roszel has. The pictures that Estee was able to capture were very good, the best we could do from the ground level. But actually, standing out there, looking at all the different angles and nuanced angles together and having the conversation, may be a very good idea.

Dev Roszel: Okay. I'm in if anybody wants to do it.

Mimi Stein: No, I'd like to see it in person with all of you or a few of you at a time and have a chance to toss it around that way.

Bud Jacobs: [multiple speakers] I think it's worthwhile.

Ed Fleischman: This is Ed again, are all the people who want to take a walk through, they don't live in Ridgeview. I mean, I and Terry, we walk around our houses all the time.

Terry Cooke: Do we have any other.

Bud Jacobs: I'm embarrassed, but I don't live in Ridgeview. [laughter]

Terry Cooke: That's your loss Bud.

Dev Roszel: And I've walked in your area numerous times. As a matter of fact, today I drove by [inaudible] houses. Actually, looked at every one of them and made notes on Will's paper, but I really think it's good to have Ed, have you. I didn't realize you lived right there. I mean, getting that feedback from our group will be making recommendations to the council to be actually educated about. You know, I'd like to hear Rachel's comments. I'd like to hear Mimi's and Bud's. I mean, let's hear what you actually feel about, you know let's stand in front of the house and say, this is what I don't like. This is what I think is okay.

Bud Jacobs: Will, since we're on the topic, what would be very helpful for me as I try to understand some of this is an idea that you mentioned a few moments ago about taking an existing building plan and configuring it to the different options, what the plan would look like if we took some of the steps that we're contemplating or at least discussing. That for me would be very helpful.

Will Moore: Okay.

Bud Jacobs: And then secondly, just a quick question. I agree that what motivates a lot of the concerns that have been expressed to some council members and the mayor have to do with the scale and the bulk of infill development. I think there's a third element that's called character. Which I assume we take to mean that infill development has to more or less conform to the character of the neighborhood. What would be your response if a homeowner came to you with plans to build a completely conforming California Ranch Style Home on one of the properties in Ridgeview, you know, the redwood siding expansive glass. I forget what they call that kind of construction. It's quite prevalent in Southern California. How would you react to that?

Will Moore: My professional reaction would be examine it in relation to our zoning requirements, and if it meets the zoning requirements issue a permit.

Bud Jacobs: So, it wouldn't necessarily have to conform to the character of the surrounding neighborhood? Correct.

Will Moore: There would be no aesthetic review other than what's already dictated [multiple speakers]

Ed Fleischman: This is Ed Fleischman again, and I guess Rhonda, we got a bunch of follow ups, so you're going to put all that in the minutes. What I'd like is a follow up is I don't understand if we are looking at these side yard and lot side, how that fits with Section 89 of the zoning ordinance on nonconforming lots of record. So maybe we can get a little bit more feedback on that unless you have an answer right now Will?

Will Moore: Well, again, that section of the ordinance has those two different components, the one component is essentially saying if your lot is nonconforming, so that can be [inaudible] nonconforming in lot width or in lot area. It essentially says you can still build your single-family home on that as long as you meet the setback requirements.

Ed Fleischman: So therefore, by making these changes in the zoning law, if we make some changes there still is this exception available to people?

Will Moore: Well, no that would not be an exception. So said a different way those three lots on Reed Street that were built upon, they were all nonconforming, lots of records. They were all 7500 square feet, whereas the ordinance requires a minimum lot size of eight thousand square feet. They were still able to build single family homes on each of those as long as they meet the setback requirements, which they did. If we made a change, let's say beside your requirement, became 10 feet rather than seven and a half feet, they still could have built on each of those three lots, but they would have had to have given the 10-foot five side yard requirement rather than seven and a half foot. Now, that second part of that section, which

talks about a lot that's less than 80 percent, I think, of the required that's the part I'm not again, I'm not so thrilled with that.

Ed Fleischman: [multiple speakers]. That's the specific statement that I think is a way for builders to get around these proposals. So, I think, you know, you want to do does staff want to do some more analysis of that. And figure out something regarding that. I mean, you know, we change the side yard and then someone would use this nonconforming sentence to get around it, but I'll let you look at it more. [inaudible] discuss it more. Thank you.

Rachel Minchew: Will I have just one thought and then I guess in looking at the zoning and thinking and this is you know, down the road, but Federal Street and what would happen there when that starts to happen. And, you know, that's more of a sloping area as well. So, the topography is a little bit different. So, I think that's something we can't just look at Ridgeview where it's pretty flat. I think you have to look at the whole community at large and consider this.

Will Moore: Yeah, very good point. I think the distinction here is the different zoning districts that we have. So, we're not necessarily considering a town wide applicable to all zoning districts building height, revision, or side yard revision. We're looking specifically at R2 zoning areas. But a very good point and topography really does come into play, especially in an area like Federal Street.

Terry Cooke: Any other questions or comments by the commission? I had hoped, I guess, going into this, this evening that we might be able to eliminate one or two of Will's suggested avenues of consideration, but after listening to what has been a robust discussion of this, I suspect we'll just leave all four of those on the table for now for consideration going forward. I mean, the suggestion has been made that we have an opportunity for commissioners to meet with Will or other staff to take a look at some existing properties in the R-2 district. Do we want to try to move ahead with that idea? It sounds like everybody was in favor of it, Ed and I could probably do our own walk around if we chose to. Does that have appeal to the rest of the commission?

Mimi Stein: Yep.

Rachel Minchew: Yes. [multiple speakers]

Terry Cooke: Ed.

Will Moore: Good. I think, Mr. Chairman then staff over the next couple of days we'll send out an email just asking general availability. And I would suggest it's probably better to meet with two commissioners rather than one at a time, just so you have at least one of your compatriots there to talk. And you're not just hearing from staff. I think that's important. But we'll try to make some arrangements. So that can certainly take place well in advance of your next meeting.

Terry Cooke: Sounds like a plan.

Dev Roszel: That'd be great.

Terry Cooke: Thank you. Thank you all.

Dev Roszel: Did we accomplish anything today? [laughter].

Will Moore: Believe it or not from a staff's perspective, yes.

Terry Cooke: Well, I think we got all a lot of thoughts out on the table. [laughter] I don't know that we moved the ball very far, but.

Dev Roszel: It's an interesting topic.

Terry Cooke: Yeah.

Dev Roszel: I think it's the one that, you know, it's important to get into as we grow from a town perspective.

Terry Cooke: Amen. Okay, if no one on the commission has other thoughts on this discussion item, I think we'll call this work session to a close and convene the regular meeting. So, I have done the let's see, I guess, do we need to call the roll again, Rhonda?

Rhonda North: Oh, we can do it again just to be on the safe side since it's been a couple of hours.

Terry Cooke: Regular meeting yeah, it's been over an hour.

Rhonda North: Yeah. Chair Cooke.

Terry Cooke: Present.

Rhonda North: Vice Chair Woodruff is still absent. Commissioner Fleischman.

Ed Fleischman: Present.

Rhonda North: Commissioner Minchew.

Rachel Minchew: Present.

Rhonda North: Commissioner Roszel.

Dev Roszel: Here.

Rhonda North: Commissioner Stein.

Mimi Stein: Still here.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Present.

Terry Cooke: Thank you all. We'll begin with a disclosure of meetings between any of the commissioners and anyone having business before the commission. Rhonda, will you call the roll on that question?

Rhonda North: Yes, sir. Chair Cooke.

Terry Cooke: No meetings or discussions.

Rhonda North: Commissioner Fleischman.

Ed Fleischman: I've had no meetings or discussions.

Rhonda North: Commissioner Minchew.

Rachel Minchew: No meetings or discussion.

Rhonda North: Commissioner Roszel.

Dev Roszel: No meetings. Thank you.

Rhonda North: Commissioner Stein.

Mimi Stein: No meetings or discussions.

Rhonda North: Council Member Jacobs.

Bud Jacobs: No meetings or discussions.

Terry Cooke: Rhonda do we have any folks tuned in for comment on the public comment section?

Rhonda North: We do not, sir.

Terry Cooke: All right, we'll close the public comment time and move on to approval of the minutes. Entertain a motion for approval of the minutes of the January 25, 2021 work session and regular meeting. The December 21, 2020 work session. And the November 23, 2020 work session and regular meeting. Do we have a motion?

Bud Jacobs: I move, we approve.

Terry Cooke: Do we have a second?

Dev Roszel: I second. I second it.

Terry Cooke: Thank you. Call the roll again, I guess, Rhonda.

Rhonda North: Okay, Commissioner Fleischman.

Ed Fleischman: Vote to approve.

Rhonda North: Commissioner Minchew.

Rachel Minchew: Approve.

Rhonda North: Commissioner Roszel.

Dev Roszel: Approve.

Rhonda North: Commissioner Stein.

Mimi Stein: Approve thanks.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Approve.

Terry Cooke: Thank you. Council Member Jacobs. We are eager to receive your council representative report.

Bud Jacobs: Well, I got enthralled with my stamp collection the evening of February 11th. [laughter] And was therefore well, I forgot to attend the town council meeting, so I'm not going to be able to share any juicy bits of gossip that might have taken place at that meeting. But very briefly, there are a couple of things I just want to call to your attention. Tomorrow evening, council will be meeting to discuss updating our strategic priorities. And two of those priorities or initiatives falls squarely within the purview of the Planning Commission. One, of course, is the task we face sometime this year to begin the charrette process for the development of Federal Street. And the second one is to evaluate and update zoning and subdivision ordinances. I want to read for you the status report that was given to council about our work on this issue. Quote, Planning Commission, reviewing comp plan and making list of key items to address in the zoning ordinance, taking immediate approach to review R2 regulations such as lot size standards, yard requirements and building height due to pressures of redevelopment and new development on older lots. I think that's a fair summary of what we're doing. I don't know how much detailed discussion will take place tomorrow about individual initiatives in the strategic priorities list, but if we do get into this and if no commissioner objects, I think I would try to incorporate a sense for Council one of how seriously we're taking this effort and some of the caveats that have been raised about how we do this. And secondly, I would like council and the mayor to understand how difficult this is going to be. This has been a really enlightening discussion this evening. And I wish that members of council and the mayor could hear it and understand some of the issues that we're going to have to grapple with that go far beyond residents being pissed off about this or that house construction in Ridgeview. And I assume I have all of your concurrence to say those things to council. Secondly, very, very briefly, if you have not been paying attention to the towns proposed fiscal year 22 budget, I encourage you to do so. I think it's on the town website. We're deep into budget season. We're going to be looking at the budget over the course of the next two, I guess, or maybe three council meetings. The public is invited to comment about the budget, the proposed budget and any or all of those meetings. And the milestone that we're facing is that the budget has to be approved by June 30th. Overall, the budget proposal for fiscal year 22, as it currently stands, is not bad. We're doing okay. I think there will not be any proposal to raise property taxes. However, property assessments have certainly increased something on the order of nine percent. I just got ours today, and it's a substantial increase that I expect if you all haven't received your assessments from the county, you shortly will. Overall, I think we're looking at a about a nine-point four percent decline in revenues for fiscal year 22 over fiscal year 21. However, if there is good news, it is that we are about where we were in fiscal year twenty eighteen. So far, at least with respect to the town's ability to weather the COVID crisis, it's doing okay. And that's all I have, folks.

Terry Cooke: Thank you Bud.

Ed Fleischman: I have a question; Bud I have a question for you. I read this on the Internet that the Economic Development Coordinator is leaving. What's the story on that? Is are we having someone leave the town staff.

Bud Jacobs: Yeah, Jamie left. He took a job with the Fairfax County Economic Development Office, which I think it has 15 or 20 people in it. I don't know exactly what he'll be doing. I do know he'll be missed. And one of the things we'll be talking about tomorrow in our strategic planning session is how we might configure that position going down the road and maybe make it a little bit more responsive to the economic development and marketing needs of the council. But Jamie certainly will be missed.

Ed Fleischman: Right, yes, he will.

Terry Cooke: Thank you again, Bud.

Dev Roszel: I'm muted. I have a quick question for you, Bud. You said the 2022 revenues for the town will be down from 2021.

Bud Jacobs: About nine percent, I think it's the number that they're estimating.

Dev Roszel: Why?

Bud Jacobs: Well, occupancy meals, licensing, revenues are mostly all down due to COVID. [multiple speakers]

Dev Roszel: Well, I get that now but for 2022, the expectation is that it's going to be down?

Bud Jacobs: Well, I think it's going to continue for some time. Yep.

Dev Roszel: Okay, that's not really what I'm hearing, but it's interesting.

Bud Jacobs: Well, the budget, of course, is only as good as the assumptions that are built it, and I'm not sure I'm completely familiar with all of the assumptions that went into it. And you may be right. It may well be that the actuals, at least in terms of revenues, turn out to be much better than we're projecting. And if that happens, great.

Dev Roszel: Great. Yes. Okay, just curious. Thank you.

Terry Cooke: Any other discussion items on the minds of any of the commissioners on anything? Hearing none. I'll ask about our quorum for next month's meeting on March 22, is there anyone at this meeting who will not be available for March 22?

Dev Roszel: I'm here.

Terry Cooke: Okay. Hearing none, [multiple speakers] I assume all will be on board next month.

Bud Jacobs: I'll be here.

Terry Cooke: Very good. Thank you. With that, ladies, and gentlemen, thank you for your time and we are adjourned.